

# **ATTACHMENT 4**

IN THE CITY OF CHICAGO  
DEPARTMENT OF ADMINISTRATIVE HEARINGS  
MUNICIPAL HEARINGS DIVISION  
APPEALS - DENIALS OF PARADE PERMITS

March for the People's Agenda,     )  
  )  
                          Petitioner,     )  
  )  
                          V.                 )  
  ) Docket #24PA000004  
CITY OF CHICAGO,                     )  
(Dept. of Streets & Sanitation),    )  
  )  
                          Respondent.    )

Hearing date:                                 March 18, 2024

Location:                                     Central Hearing Facility,  
   400 West Superior,  
   Chicago, IL

Administrative Law Judge:                 Dennis Fleming

For the City of Chicago:

Attorney:                                     Matthew Spahr  
Attorney:                                     Christopher Dionne  
Attorney:                                     Christine Hake  
Witness:                                      Bryan Gallardo  
Witness:                                      Gabriella Shemash

For the Respondent:

Respondent:                                  None  
Attorney:                                     Christopher Williams  
Witness:                                      John Metz  
Other Representative:                       None

1 ADMINISTRATIVE LAW JUDGE FLEMING: All  
2 right. We are going to go on the record with  
3 24PA000004. This is an application that was filed by  
4 sponsoring organization, Anti-War Committee, Chicago,  
5 for the parade named March for the People's Agenda.  
6 And the application was filed 2-29-24. The  
7 application was denied on March 7, 2024. A Request  
8 for Hearing was made and the matter was scheduled for  
9 today.

10 For the record, my name is Dennis Michael  
11 Fleming. I am the duly appointed Administrative Law  
12 Judge on this matter. And respective Counsels,  
13 please identify your voices for the record.

14 MR. SPAHR: ACC Matthew Spahr for the  
15 City.

16 MR. DIONNE: ACC Chris Dionne for the  
17 City.

18 MR. WILLIAMS: And Christopher Williams  
19 for the Petitioner.

20 ADMINISTRATIVE LAW JUDGE FLEMING: All  
21 right. Are there any preliminary matters that we  
22 need to address?

23 MR. DIONNE: The City would have a  
24 preliminary motion to exclude any witness not

1     presently testifying.

2                   ADMINISTRATIVE LAW JUDGE FLEMING:   Okay.

3                   MR. WILLIAMS:   I would object to that.

4     There's no real basis for that.   They have a right to  
5     be here and listen to the City's case.

6                   ADMINISTRATIVE LAW JUDGE FLEMING:   Well,  
7     it's a standard practice that there's -- when there's  
8     a motion of that sort that it would be granted.   So  
9     if you want to make it on both sides, we can make it  
10    on both sides.

11                  MR. WILLIAMS:   Yeah, we would make the  
12    same motion then.

13                  ADMINISTRATIVE LAW JUDGE FLEMING:   So same  
14    motions?   Motion to exclude.   What -- well, your  
15    first witnesses can probably stay.

16                  MR. DIONNE:   Okay.   Judge, do we want to  
17    swear in witnesses now before we get started or --

18                  ADMINISTRATIVE LAW JUDGE FLEMING:   I have  
19    that written on the paper.   Are your witnesses here,  
20    Mr. Williams?

21                  MR. WILLIAMS:   They are.

22                  ADMINISTRATIVE LAW JUDGE FLEMING:   All  
23    right.   Then anyone in the room who is going to  
24    testify, raise your right hands now.   Do you solemnly

1 swear or affirm any testimony you give will be the  
2 truth?

3 MR. GALLARDO: Yes.

4 ADMINISTRATIVE LAW JUDGE FLEMING: Okay.

5 And we will revisit that with each individual  
6 witness. All right. With the motion to exclude,  
7 City, do you have any other motions?

8 MR. DIONNE: Not at this time, Judge.

9 ADMINISTRATIVE LAW JUDGE FLEMING: Do you  
10 have any motions, Mr. Williams?

11 MR. WILLIAMS: No, not at this time.

12 ADMINISTRATIVE LAW JUDGE FLEMING: All  
13 right. Have the parties exchanged exhibits; do we  
14 have any stipulations on exhibits?

15 MR. WILLIAMS: No, we haven't. I was just  
16 retained and so I just received their exhibits. I am  
17 going to object to their Exhibit 2A --

18 ADMINISTRATIVE LAW JUDGE FLEMING: Well, I  
19 don't have them in front of me so I don't --

20 MR. WILLIAMS: Yeah. But just to on the  
21 record, I'll stipulate -- the others I would  
22 stipulate to.

23 ADMINISTRATIVE LAW JUDGE FLEMING: All  
24 right. What's --

1                   MR. SPAHR: Exhibit 2A would be an  
2 affidavit from Rashad Spriggs [phonetic].

3                   ADMINISTRATIVE LAW JUDGE FLEMING: All  
4 right. Well, let's go -- first let's go with City  
5 Exhibit 1. Give me the exhibits that we're going to  
6 be putting in the record.

7                   MR. SPAHR: The exhibits, Judge.

8                   ADMINISTRATIVE LAW JUDGE FLEMING: All  
9 right. So City Exhibit 1 is a memorandum from  
10 Kirstjen Nielsen, the then Secretary of Homeland  
11 Security, rather -- to the designation of recurring  
12 significant events as national security events.  
13 That's going in without objection.

14                   All right. Then we have the affidavit,  
15 which is actually 2A through 2C. We'll put that  
16 aside. Exhibit 3A is the parade application dated  
17 2-29-24. That's going in without objection. And  
18 that's actually Exhibit 3A through C.

19                   City Exhibit 4 is a Google map, which I'm  
20 assuming is showing the route of the requested  
21 parade, starting at 1403 East 14th Street. That's  
22 going in without objection.

23                   City 5A through 5C is the denial letter.  
24 And City Exhibit 6 is the Google map for the proposed

1     alternate route. So those documents are going in  
2     without objection.

3

4                             (Whereby, City's Exhibit  
5                             Numbers 1, 3, 4, 5, and 6  
6                             having been admitted into  
7                             evidence.)

8

9                     ADMINISTRATIVE LAW JUDGE FLEMING: Do we  
10     want to hold off addressing the affidavit until we do  
11     the testimony or -- how much -- do you need more time  
12     to review it, sir?

13                    MR. WILLIAMS: No. I don't need no more  
14     time to review it.

15                    ADMINISTRATIVE LAW JUDGE FLEMING: All  
16     right. Do we want to address this now or do we want  
17     to address it after --

18                    MR. SPAHR: We can address it now, Judge.  
19     It would be the first exhibit that the City intended  
20     to offer to Your Honor. What's the basis for the  
21     objection?

22                    MR. WILLIAMS: The testimony -- he's not  
23     here to be cross examined.

24                    MR. SPAHR: Pursuant to the Department of

1 Administrative Hearings rulings, evidence, including  
2 hearsay, may be admitted only if it is a type  
3 commonly relied upon by a reasonably prudent person  
4 in the conduct of their affairs.

5 The City believes that this is a affidavit  
6 that has been signed and notarized by Rashad Spriggs  
7 who has direct knowledge and understanding of what it  
8 takes to -- for a city to put on a national special  
9 security event.

10 ADMINISTRATIVE LAW JUDGE FLEMING: I tell  
11 you what. Let me hold off on that because it's  
12 about -- I want to make sure I incorporate what I  
13 have to when I make a ruling on that. So I'm going  
14 to defer a ruling on 2A through C at this point in  
15 time.

16 MR. SPAHR: Understood.

17 ADMINISTRATIVE LAW JUDGE FLEMING: All  
18 right. With that, no other preliminary matters to be  
19 addressed?

20 MR. WILLIAMS: Judge, I've tendered  
21 exhibits. They are also Google maps to the City. I  
22 would like to -- if we can stipulation to the  
23 admission of those two.

24 ADMINISTRATIVE LAW JUDGE FLEMING: Have



1     you guys seen these?

2                   MR. DIONNE:   Yes, Judge.   They were just  
3     tendered by Counsel.

4                   ADMINISTRATIVE LAW JUDGE FLEMING:   Any  
5     objection?

6                   MR. DIONNE:   So as to 1, and 1 is a Google  
7     map of just overview of Columbus; is that correct?

8                   MR. WILLIAMS:   Correct.

9                   MR. DIONNE:   All right.   So we don't have  
10    an objection as to this picture.   But City's a little  
11    unsure what 3 is trying to be established as.

12                  MR. WILLIAMS:   It just shows the distance  
13    between the proposed alternative and the United  
14    Center.

15                  MR. DIONNE:   Well, we'd object to  
16    relevance at this time, Judge.

17                  ADMINISTRATIVE LAW JUDGE FLEMING:  
18    Overruled.   We'll allow it in and let them make their  
19    argument in terms of it.   So those are allowed in.  
20    One by agreement, one over objection.

21

22                                   (Whereby, Plaintiff's Exhibit  
23                                   Numbers 1 and 3 having been  
24                                   admitted into evidence.)

1

2 ADMINISTRATIVE LAW JUDGE FLEMING: Okay.

3 Anything else we need to address?

4 MR. WILLIAMS: I don't believe so.

5 ADMINISTRATIVE LAW JUDGE FLEMING: Okay.

6 Anything from the City?

7 MR. DIONNE: Nothing for the City, Judge.

8 MR. SPAHR: Opening-wise, Judge. We are  
9 here today regarding a parade permit application that  
10 was submitted by the Petitioner to the City of  
11 Chicago Department of Transportation. The City  
12 responded to the Petitioner's application in a letter  
13 denying it as to the precise terms applied for, while  
14 offering a alternative route that the City could  
15 approve.

16 The letter sent by Department of  
17 Transportation provides the basis for its denial  
18 being there are not sufficient city resources to  
19 mitigate traffic disruptions caused by the parade and  
20 that there are not sufficient on-duty police officers  
21 or city employees to police and protect all  
22 participants and non-participants of the parade at  
23 the applied-for date, time, and location.

24 Specifically, the date and location that

1 the Petitioner applied for is during the Democratic  
2 National Convention and the route abutting one of the  
3 main venues hosting the convention. You will hear  
4 through testimony the strain on city resources  
5 resulting from hosting such a national special  
6 security event.

7 At no point during this process has the  
8 Department of Transportation stated that Petitioner  
9 isn't allowed to parade. To the extent practical,  
10 the City approved the Petitioner to parade on the  
11 same date, just in a different location, which the  
12 City could meet its obligation under the Chicago  
13 Municipal Code in terms of allocating city resources  
14 to the parade.

15 Today, the City will illicit testimony as  
16 to what is required of the city in terms of personnel  
17 and resources needed for the DNC on top of keeping  
18 all other city services fully operational for its  
19 residents and businesses during this time.

20 For all the reasons City will provide in  
21 this case, we are asking this Court to affirm the  
22 determination from Transportation and deny the route  
23 as proposed by the application.

24 ADMINISTRATIVE LAW JUDGE FLEMING: Thank

1     you. Mr. Williams, do you want to give your opening  
2     now or do you want to defer?

3                 MR. WILLIAMS: I'll defer.

4                 ADMINISTRATIVE LAW JUDGE FLEMING: Okay.  
5     All right. City, call your first witness.

6                 MR. SPAHR: At this time, the City would  
7     first call pursuant to the notarized affidavit,  
8     Rashad Spriggs, which has been tendered to Your Honor  
9     and tendered to Respondent as City's Exhibit 2A  
10    through C.

11                ADMINISTRATIVE LAW JUDGE FLEMING: All  
12    right. I'm going to defer my ruling on that at this  
13    point in time.

14                MR. SPAHR: Okay.

15                ADMINISTRATIVE LAW JUDGE FLEMING: Okay?  
16    Because I haven't a chance to read it. So what I'm  
17    saying is let's do the live witnesses and then I will  
18    be able to read it and be able to make my ruling  
19    relative to that.

20                MR. SPAHR: Understood, Judge.

21                ADMINISTRATIVE LAW JUDGE FLEMING: I've  
22    gone over it so I understand.

23                MR. SPAHR: Understood. The City would  
24    first call Bryan Gallardo.

1 ADMINISTRATIVE LAW JUDGE FLEMING: All  
2 right. Mr. Gallardo is here I know. All right. Mr.  
3 Gallardo, you have been sworn, correct?

4 MR. GALLARDO: Yes.

5 ADMINISTRATIVE LAW JUDGE FLEMING: Okay.  
6 You know what? Just to make sure it's on the record,  
7 raise your hand again. So you solemnly swear or  
8 affirm any testimony you give will be the truth?

9 MR. GALLARDO: Yes.

10

11 DIRECT EXAMINATION

12 BY MR. SPAHR:

13 Q. Mr. Gallardo, please introduce your  
14 name, spelling your last name for the record?

15 A. Bryan Gallardo, G-A-L-L-A-R-D-O.

16 Q. And who do you currently work for.

17 A. I work for the Chicago Department of  
18 Transportation.

19 Q. And is that for the City of Chicago?

20 A. Yes, it is.

21 Q. And how long have you worked for the  
22 City?

23 A. Since October of 2017 in my current  
24 position.

1 Q. And what is your position's title?

2 A. I am the Assistant Commissioner in  
3 charge of the Public Way Permitting Office.

4 Q. And how long have you held that  
5 position?

6 A. Since October of 2017.

7 Q. And as the assistant commissioner, what  
8 are some of your responsibilities?

9 A. So our office takes in applications for  
10 use of the public right-of-way for construction,  
11 for moving vans, for parades, protests,  
12 festivals, athletic events, all sorts of  
13 activities. Basically anything that takes place  
14 on the public right-of-way.

15 Q. And to be clear, your job includes  
16 responding to applications for parades that use  
17 the public way?

18 A. Yes.

19 Q. And what is a parade permit?

20 A. A parade permit is a permit that we  
21 issue, which allows a group to gather and march  
22 down the public right-of-way.

23 Q. And who can apply for one of these  
24 permits?

1           A.     Anyone can apply.

2           Q.     And where would these individuals go to  
3     make the application?

4           A.     So the applications are taken in City  
5     Hall, Room 905.

6           Q.     And once City of Chicago Department of  
7     Transportation receives the application, what is  
8     CDOT's process?

9           A.     We do the initial intake of the  
10    application and then we will date and time stamp  
11    it and send it out to various other departments  
12    for review to see if there will be any conflicts  
13    with the request.

14          Q.     And what departments is CDOT sending  
15    the application for review?

16          A.     We send it both internally to other  
17    CDOT personnel, as well as the police department,  
18    Office of Emergency Management and  
19    Communications, Streets and Sanitation, the  
20    associated ward or wards, as well as the special  
21    event department.

22          Q.     And what is the purpose of sending the  
23    application to these other city departments?

24          A.     It's to see if there's going to be any

1 conflicts or any issues in terms of being able to  
2 provide resources that might be needed for the  
3 request.

4 Q. And do you, as the assistant  
5 commissioner, review every parade application  
6 that comes through CDOT?

7 A. I don't review every single one that  
8 comes in personally. But I do from time to time  
9 review them if there's a specific reason, if a  
10 conflict is brought to my attention, or if there  
11 are -- if it's in a particularly high-profile  
12 location or during dates we know there are other  
13 activities going on. It can be brought to my  
14 attention.

15 Q. And when a parade application is, in  
16 fact, brought to your attention, do you follow  
17 the same CDOT process in reviewing this  
18 application?

19 A. Yes. We don't change the process of  
20 how it's reviewed. It's simply brought to my  
21 attention if somebody notes something about it.

22 Q. Great. Now, I'll bring your attention  
23 to the parade permit application we're here for  
24 today. Did Chicago Department of Transportation



1 receive a parade permit application submitted by  
2 John Mets for a parade named March for the  
3 People's Agenda?

4 A. Yes, we did.

5 Q. And who at CDOT received this  
6 application?

7 A. The intake was initially done by Susan  
8 Pollack, who's a member of the public way  
9 permitting staff.

10 Q. And when was it, specifically, brought  
11 to your attention?

12 A. After the initial intake, as we  
13 normally do, it was date, time, and stamped and  
14 e-mailed out to any other departments that would  
15 need to review it. And then she mentioned it to  
16 me. She brought it to my attention because she  
17 made note that it was going to take place during  
18 the DNC near one of their locations.

19 Q. And what is the DNC?

20 A. Democratic National Convention. So  
21 it's the nominating convention held by the  
22 Democratic National Committee and it's going to  
23 be hosted here in Chicago. We're expecting  
24 upwards of 50,000 people that will be in

1 attendance.

2 Q. And do you know the date that the DNC  
3 is scheduled to take place on?

4 A. It will take place in August, from  
5 officially the -- from the 19th through the 22nd.  
6 But there will, obviously, be some set up and  
7 tear down time before and after that event as  
8 well.

9 Q. And are you familiar with what venues  
10 the DNC is scheduled to take place at?

11 A. The two official locations that have  
12 been announced are the United Center and  
13 McCormick Place.

14 Q. Great. I will now show you what's been  
15 marked as City's Exhibit 3A through C, which has  
16 been tendered to Respondent and Your Honor. Do  
17 you recognize this document?

18 A. This is a copy of the application that  
19 was taken in on February 29th.

20 Q. And how many pages is that application?

21 A. It's three pages detailing the  
22 information associated with the request.

23 Q. And when was this application submitted  
24 and received by CDOT?

1           A.       So we received it on February 29th.

2           Q.       And do you recall what date you  
3 specifically were handed a copy of this  
4 application?

5           A.       It was not too long after it was turned  
6 in. It was distributed, as I said, by e-mail to  
7 other stakeholders. And then Susan brought it to  
8 my attention because she noticed that it was  
9 during the DNC.

10          Q.       And on this application, does it  
11 specify who is requesting a parade permit?

12          A.       So the name of the organization is  
13 Anti-War Committee Chicago. And the individual  
14 who is listed as the organizer is John W. Mets.

15          Q.       And day is the parade being requested  
16 for?

17          A.       It is being requested on August 22nd.

18          Q.       And as you previously testified, August  
19 22nd is a date that the DNC is, in fact,  
20 happening?

21          A.       Yes.

22          Q.       And on this application, does it  
23 provide a proposed route for the parade?

24          A.       Yes, it does. So it's standard on all

1       the applications to provide details of the  
2       parade. So it does have a proposed route as well  
3       on the second page.

4           Q.     And for the benefit of the Court, can  
5       you identify what the route is being requested  
6       for?

7           A.     Their proposal was to assemble at  
8       Addams/Medill Park and then proceed north on  
9       Ashland to Adams and then turn down Adams to  
10      Damen. And then Damen to Roosevelt and then back  
11      to Addams/Medill Park.

12          Q.     Great. And does this application as  
13      proposed have submitted an number of attendees?

14          A.     Yes. That is one of the lines here and  
15      it does note that they're expecting 1,000 plus in  
16      attendees.

17          Q.     Does it have a proposed assembly time?

18          A.     Yes. The proposed assembly time is  
19      also required on the application. And so they  
20      have an assembly time of 5:00 p.m.

21          Q.     Does it have a start time?

22          A.     Yes. So the step off time would be  
23      6:00 p.m.

24          Q.     End time?

1           A.     The parade would end at 8:00.

2           Q.     And a disband time?

3           A.     And then disband at 9:00.

4           Q.     And was this application signed by  
5 anyone?

6           A.     Yes.   The application was signed by  
7 John W. Mets.

8           Q.     And what is the date of that signature?

9           A.     His signature is noted at being on  
10 February 24th.

11                   MR. SPAHR:   At this point, just for the  
12 benefit of the Court, City seeks to have City's  
13 Exhibit 3A through C admitted, which I believe  
14 it's already been admitted without objection.

15                   ADMINISTRATIVE LAW JUDGE FLEMING:  
16 Submitted by stipulation.

17

18 BY MR. SPAHR:

19           Q.     Mr. Gallardo, I'm now showing you  
20 what's been marked and previously admitted as  
21 City's Exhibit 4. Do you recognize this?

22           A.     It is an outline of the proposed route.

23           Q.     And it's the same route that was  
24 applied for on the application we just went

1 through; is that correct?

2 A. Yes.

3 Q. And on this route, is it near any of  
4 the DNC venues?

5 A. Yes, it does proceed up Damen, which is  
6 within the United Center footprint.

7 Q. And now, what are your next steps once  
8 you receive the application?

9 A. One we receive the application, again,  
10 it's distributed to various other departments for  
11 their review to see if there are any conflicts  
12 with their activities or in case there are  
13 resources that are needed to support the event to  
14 make sure that they are available to do so.

15 Q. And does CDOT, Chicago Department of  
16 Transportation, review the application and  
17 proposed route in terms of traffic for the  
18 streets that were applied for?

19 A. Yes, we do. We check for our own  
20 complex, as well as any impacts to traffic.

21 Q. And did you review the -- any conflicts  
22 on Ashland for the proposed date and time?

23 A. Yes, I did.

24 Q. And what was your review of that?

1           A.       So the proposal -- they requested a  
2       date and time. The date, obviously, is during  
3       the DNC, which is going have traffic impacts of  
4       its own, so this would only exacerbate those  
5       impacts by closing additional streets surrounding  
6       the event.

7                   And the proposed time would also  
8       conflict with the afternoon commuter rush. And  
9       then additionally, by proceeding up Ashland, it  
10      could impact the ability for emergency vehicles  
11      to get to the Illinois Medical District, which is  
12      just to the south.

13                  So for that reason, we felt that the  
14      traffic impacts would be too much to be able to  
15      manage in that particular area.

16           Q.       And you testified as to the medical  
17      district being impacted by the proposed route; is  
18      that correct?

19           A.       Yes. So the Illinois Medical District  
20      is an area just south of here that houses three  
21      different hospitals. And so they all often use  
22      Ashland as their emergency access route from  
23      various parts of the city.

24           Q.       And did you reach out to CPD to review

1 the application?

2 A. Yes. So it's standard procedure to  
3 provide a copy of the application to the police  
4 department.

5 Q. And did CPD provide you any response?

6 A. Yes. So they responded stating that  
7 they did not believe they were going to have  
8 resources available to support this event at the  
9 time.

10 Q. And did CPD ultimately provide you with  
11 their recommendation or advised as to whether or  
12 not they could, in fact, accommodate this  
13 application as proposed?

14 A. They stated that they did not believe  
15 they would have the resources to do so.

16 Q. And do you review this route in terms  
17 of public transportation?

18 A. Yes, we do. And many of the streets  
19 that they had requested impact multiple CTA  
20 routes, including on Ashland and Damen.

21 Q. And what was your next step after  
22 receiving feedback from the other client  
23 departments of the City of Chicago?

24 A. So after reviewing the application and



1       checking for any potential traffic impacts or  
2       conflicts with other activities in the area, I  
3       also reviewed responses from the other  
4       departments. And based on the information I  
5       received, the City is not going to have  
6       sufficient resources to support the event.

7               And with the other -- with the impacts  
8       of other streets in the area, it would be  
9       extremely cumbersome and it would, again, impact  
10      access to the Illinois Medical District and other  
11      facilities in the area beyond what's already  
12      being done.

13           Q.     And to be clear, did anybody in the  
14      City of Chicago direct you to either approve or  
15      deny the permit?

16           A.     No. I gather the information from the  
17      other departments and if the City, for whatever  
18      reason, whatever department isn't able to provide  
19      resources or it conflicts with other events or  
20      activities in the area, then I would provide a  
21      response back to the applicant. But that comes  
22      from CDOT, from our office.

23           Q.     And did you provide a response from  
24      CDOT to this application?

1           A.     Yes. We provided a response letter on  
2     March 7th.

3           Q.     And in that response letter, did you  
4     deny or approve this permit?

5           A.     We denied the permit, again, based on  
6     the impacts to traffic, as well as the lack of  
7     resources to support the request.

8           Q.     I'll now show you what's been  
9     previously admitted into evidence as City's  
10    Exhibit 5A through 5C. What is this document?

11          A.     This is a copy of the denial letter  
12    that was sent to the applicant on March 7th.

13          Q.     And who signed off on this letter?

14          A.     I signed this letter.

15          Q.     And who did this letter get mailed to?

16          A.     It was sent to March for the People's  
17    Agenda in care of John W. Mets. And then various  
18    other city departments and individuals were cc'd.

19          Q.     And is this a true, accurate, and  
20    complete copy of the letter that you signed,  
21    prepared, and sent?

22          A.     Yes, I believe it is.

23          Q.     And in this letter you indicate that  
24    you provide the basis for your denial; is that

1 correct?

2 A. Yes. So by the -- per the ordinance  
3 we're required to respond and so in this letter I  
4 note that there will be various impacts to  
5 traffic due to the DNC occurring, as well as a  
6 lack of city resources to safely manage traffic  
7 for both the parade participants and any other  
8 individuals that might be using the public way at  
9 that time.

10 Q. Okay. And just to break it down. So  
11 for the [inaudible] under 10-8-330(g)(1), what  
12 did you review in support of this denial?

13 A. So what I reviewed were the traffic  
14 impacts to the streets that they had requested,  
15 the time frame, as well as any other activities  
16 that would be taking place in the area.

17 As well as the specific time that they  
18 wanted to step off, which would be during the  
19 afternoon rush, which is when we see a large  
20 amount of traffic.

21 As well as responses from the other city  
22 departments who may need to provide resources to  
23 safely support the event.

24 Q. And when accommodating a parade route,

1 is it just the streets that the route is  
2 proceeding on that are affected in terms of  
3 traffic?

4 A. Not necessarily, no. Because,  
5 obviously, you'll have to close cross streets as  
6 they're proceeding down their route. And then  
7 you'll also have to push traffic onto other  
8 streets to accommodate that, whether it's for CTA  
9 buses or commuters or delivery vehicles. You  
10 have to see what other streets would be available  
11 and are those streets going to be large enough to  
12 accommodate the increase in traffic.

13 Q. And under this subsection, would the  
14 medical district's relation to the proposed  
15 applicated [sic] route be impacted?

16 A. So, yes. As I mentioned before, the  
17 Illinois Medical District, a lot of -- it has  
18 three separate hospitals and a lot of emergency  
19 vehicles will utilize Ashland to reach those  
20 hospitals. So if it were closed and in addition  
21 to being during the rush hour and having other  
22 streets in the area closed due to the DNC, it  
23 could cause delays in people being able to get to  
24 the hospital.

1           Q.     And now, under your denial basis,  
2     10-8-330(g)(2), what did you review in support of  
3     this basis for your denial?

4           A.     So again, looking at the time frame  
5     that they had requested, the days that they had  
6     requested, and looking at the responses from  
7     other departments, we didn't believe there were  
8     going to be enough city personnel available  
9     qualified to manage traffic during that time.  
10    The resources would either be deployed elsewhere  
11    or just aren't available at that time.

12          Q.     And in this letter to the Petitioner,  
13    did you provide an alternative?

14          A.     Yes. As per the ordinance  
15    requirements, the denial does always provide an  
16    alternative.

17          Q.     And what was the proposed alternative  
18    route?

19          A.     The alternative route was to utilize  
20    Columbus between Roosevelt and Jackson.

21          Q.     And what date was your proposed route  
22    for?

23          A.     August 22nd, the same date that they  
24    had requested.

1           Q.     And then the time for start, step off,  
2     and disband?

3           A.     We kept those times the same as they  
4     had requested as well.

5           Q.     I'll now show you what's been  
6     previously admitted as the City's Exhibit 6. Do  
7     you recognize that?

8           A.     Yes. This is an outline of the  
9     proposed route. The route proposed by the City,  
10    I should say.

11          Q.     And do you know why the proposed route  
12    on Columbus was offered?

13          A.     So in terms of traffic impacts, it's  
14    more manageable. It requires fewer resources.  
15    And although, would have impacts, would not have  
16    the same level of impacts on the afternoon  
17    commuter rush.

18          Q.     And is this located in City of Chicago,  
19    County of Cook, State of Illinois?

20          A.     Yes, it is.

21          Q.     And to your knowledge, has the  
22    alternative route proposed by CDOT been accepted  
23    by the Petitioner?

24          A.     No, I don't believe it has yet.

1 Q. Okay.

2 MR. SPAHR: No further questions at this  
3 time.

4

5 CROSS EXAMINATION

6 BY MR. WILLIAMS:

7 Q. Mr. Gallardo, my name is Chris  
8 Williams, I'm going to ask you some questions on  
9 behalf of the Anti-War Coalition. How long have  
10 you been the assistant commissioner for the  
11 Department of Transportation?

12 A. Since October of 2017, a little over  
13 six years.

14 Q. Are you the person ultimately charged  
15 with deciding whether to approve a permit or not  
16 for a parade?

17 A. So I collect information from all of  
18 the departments, but the denial letter does come  
19 from me.

20 Q. But my question is are you the one  
21 charged with ultimately making the decision?

22 A. In terms of am I the one who -- are you  
23 asking if I do it unilaterally or are you asking  
24 if I'm the one who ultimately sends the letter

1 out?

2 Q. Let me ask it this way. You get  
3 information from a lot of city departments,  
4 correct?

5 A. Yes.

6 Q. Does anybody tell you to deny the  
7 permit?

8 A. No. So the denial has to come from the  
9 Department of Transportation. And that comes  
10 through the permitting office, which I manage.  
11 So yes, in that sense, yeah, I am the one who  
12 ultimately looks at what was provided and crafts  
13 that letter and sends out the denial. I am the  
14 one who does that.

15 Q. Okay. So you're the ultimated decision  
16 maker, correct?

17 A. Yeah. In the sense that I'm the one  
18 who gathers all the information and determines  
19 whether or not is there any alternative.

20 Q. Okay. Are you familiar with the First  
21 Amendment of the United States Constitution?

22 A. I'm not an attorney, but I'm aware of  
23 the First Amendment.

24 Q. You are? Is it your understanding that



1 people have a right to conduct political speech  
2 under the First Amendment of the Constitution?

3 MR. SPAHR: I would object on relevance.

4 ADMINISTRATIVE LAW JUDGE FLEMING:

5 What's the basis on whether he feels that people  
6 have a right to political protest or if he does  
7 to what extent?

8 MR. WILLIAMS: So he has just testified  
9 he is the ultimate decision maker about whether  
10 to accept or deny a permit parade -- a permit for  
11 a parade. The ordinance necessarily [inaudible]  
12 the First Amendment of the Constitution, there's  
13 a balancing act between allowing political  
14 protest under the Constitution. All laws in the  
15 United States have to comport with the  
16 Constitution of the United States.

17 So he's the ultimate person who has to  
18 decide that balancing between the two. We're  
19 going to get into how he decided that balance.

20 ADMINISTRATIVE LAW JUDGE FLEMING: Well,  
21 the objection is sustained. The testimony that  
22 Mr. Gallardo is giving me is that the process  
23 that he follows is to follow the ordinance.  
24 There are steps in the ordinance. And pursuant

1 to his following the steps and doing his  
2 investigation, he made a determination.

3 That determination is -- does not come  
4 from him as to whether he is supposed to, on his  
5 own, take into consideration what he feels is --  
6 the First Amendment rights are of these people.

7 He's following what's set up in the  
8 ordinance. The cross examination should be based  
9 on whether he did or did not follow the steps of  
10 the ordinance. But we're not going to get into a  
11 philosophical cons -- discussion of the extent of  
12 the First Amendment.

13 MR. WILLIAMS: Your Honor, I would  
14 respectfully push back. I don't this is a  
15 philosophical discussion. This is a city  
16 official who is charged with making the decision  
17 about where, when, and under what circumstances  
18 people can exercise their First Amendment rights  
19 to engage in political speech.

20 And the ordinance, itself, must comply  
21 with the First Amendment. And in fact, contains  
22 information in it -- the ordinance, in Section  
23 (f) about conducting the investigation. In  
24 Section (k) about making -- if not the proposed

1 route, must make one with comparable visibility.

2 So implicitly in the ordinance, there's  
3 understanding and a respect for the requirement  
4 for any law and any city official to respect the  
5 right of -- the First Amendment right of  
6 political speech.

7 And so he had to make -- he is the  
8 person who was enforcing the ordinance. And he  
9 had to make a balancing decision under the  
10 ordinance that incorporates into it the right to  
11 political speech.

12 ADMINISTRATIVE LAW JUDGE FLEMING: Mr.  
13 Gallardo has testified that he followed the  
14 municipal code, he followed the steps of the  
15 municipal code. That's what his testimony is  
16 dealing with. Whether or not the municipal code  
17 violates the First Amendment is not relevant --  
18 Mr. Gallardo's opinion as to that is not relevant  
19 to me.

20 The question is did he follow the steps  
21 that are set forth in the code. If the steps in  
22 the municipal code are insufficient to ensure  
23 that this group or any other parade applicant's  
24 First Amendment rights are protected, that's not

1 an issue to be decided here.

2 That's an issue that you can bring to  
3 another tribunal that would have jurisdiction on  
4 it. But it's not an issue that comes in play at  
5 this point in time here.

6 MR. WILLIAMS: Okay. Thank you.

7

8 BY MR. WILLIAMS:

9 Q. Is it your understanding that the  
10 ordinance in question here gives some discretion  
11 on whether or not to grant the permit?

12 A. I guess it depends on what you mean by  
13 discretion. I mean, if we don't have the  
14 resources to support it, then more than likely we  
15 would issue a denial unless there's some  
16 mitigating circumstances that I'm unaware of.

17 Q. How do you know whether you'd have the  
18 resources to support it?

19 A. Again, it's not just CDOT resources. I  
20 receive information from other departments. They  
21 will let me know if they have the resources to  
22 support it.

23 And then I look at it from a CDOT  
24 standpoint in terms of are there conflicts with

1       other activities, construction, in this case the  
2       DNC, or with traffic impacts, based on the time  
3       that they're trying to it, or the streets that  
4       they're requesting.

5               And so depending on how significant  
6       those impacts are, there would always be some  
7       level of city resources that would be needed.  
8       And if they're not available then it wouldn't be  
9       safe to proceed.

10           Q.     Okay. So your testimony is that you  
11       get reports from other agencies that inform your  
12       decision; is that correct?

13           A.     Yes.

14           Q.     Okay. Are those reports in writing?

15           A.     Yes.

16           Q.     Okay. And what agencies are those?

17           A.     In this particular case, I received a  
18       response Chicago Police Department, noting that  
19       they would not have sufficient resources to  
20       support this event.

21           Q.     Is that the only report you got?

22           A.     That's the -- yes, that's the only one  
23       that I'm aware of.

24           Q.     Okay. So you didn't receive a report

1 from any other agency that said, "We don't have  
2 sufficient resources?"

3 A. Well, when the police don't have  
4 resources, we can always go to traffic management  
5 authority. But they also stated they would not  
6 have resources available to manage traffic at  
7 this time.

8 Q. Did they do that in writing?

9 A. No. That was a conversation.

10 Q. Was is it in a meeting?

11 A. Yes.

12 Q. Okay. Were there minutes to that  
13 meeting?

14 A. Not that I'm aware of.

15 Q. When did that meeting occur?

16 A. It was after another meeting. I simply  
17 brought up the response to see if they had any  
18 questions. They had their own concerns about  
19 access to the Illinois Medical District, as well  
20 as not believing they would have resources to  
21 manage traffic.

22 Q. Okay. And do you know the date of that  
23 meeting?

24 A. Again, it was after another meeting.

1       So off the top of my head, I don't.

2           Q.     Do you know who it was that told you  
3       that?

4           A.     So I've spoken to Chris Pettineo and  
5       Bob Lajewski at Traffic Management Authority.

6           Q.     Do you know which one told you that  
7       specifically?

8           A.     They were both at that meeting.

9                   ADMINISTRATIVE LAW JUDGE FLEMING:   Can I  
10       get -- I'm sorry.   Chris Pettineo,  
11       P-E-T-T-I-N-E-O?

12                   THE WITNESS:   Yes.

13                   ADMINISTRATIVE LAW JUDGE FLEMING:   And  
14       the second name?

15                   THE WITNESS:   Robert Lajewski.   I  
16       honestly don't know how to spell his last name.

17

18   BY MR. WILLIAMS:

19           Q.     Did you bring the written police  
20       report, CPD report, with you today?

21           A.     I believe there might be a copy of it,  
22       but I don't have it.

23           Q.     Did you tender it to your attorney, to  
24       the attorneys for the City?

1           A.     Yes.  So all that information does get  
2     circulated.

3           Q.     Okay.  And it was circulated to the  
4     attorneys here?

5           A.     I believe they do have a copy.

6           Q.     Okay.  And you don't have it to give to  
7     me today?

8           A.     I didn't know I needed to bring it.

9           Q.     Can you describe what was in that  
10    report?

11          A.     It's a standard letter that's sent to  
12    CDOT from the commander of the district, either  
13    supporting or objecting to an event.

14          Q.     What did it say; what did the letter  
15    say?

16          A.     The letter stated that they didn't  
17    believe they were going to have sufficient  
18    resources to support the event.

19          Q.     Was there any kind of written analysis  
20    of why they thought they wouldn't have sufficient  
21    resources?

22          A.     You'd have to talk to the police  
23    department as to their -- what they did to  
24    determine if they weren't going to have



1 resources.

2 Q. But they didn't tell you to deny the  
3 permit, correct?

4 A. No. Again, we send out the information  
5 to several departments and then they would  
6 provide information back to us. Their response  
7 letter does not constitute any kind of denial.  
8 It's simply an assessment of their ability to  
9 support the event. So that's why it's an  
10 objection, not a denial.

11 Q. Okay. So other than their general  
12 statement they didn't have the resources, you  
13 don't have any information to support that CPD  
14 didn't have the resources to allow for this  
15 route?

16 A. No. I didn't ask them for their  
17 analysis. It's not standard practice for us to  
18 determine what other department can and can't do.

19 Q. Okay. How did you come to propose the  
20 alternate route?

21 A. Well, as you mentioned, it has to be a  
22 similarly high-profile location, visible route,  
23 so we selected a route that's in the central  
24 business district so that it would be highly

1 visible.

2 But the route would require fewer  
3 resources to support. Although it will have some  
4 traffic impacts, it's not going to have the same  
5 level of traffic impacts as the requested route.

6 Q. And did the CPD give you an analysis of  
7 the resources needed for that area?

8 A. No, they didn't tell me the resources  
9 that would be needed, but they did state that  
10 they would be able to support that route.

11 Q. So there was no comparison in the  
12 resources needed for closer to the United Center  
13 versus further away?

14 A. There may have been, but not by CDOT.

15 Q. Okay. Was there one by the CPD?

16 A. You'd have to ask them. Again, it's  
17 not our practice to determine what other  
18 departments are capable of doing. We simply  
19 share information and then each department would  
20 review it on their own.

21 Q. Okay. Well, as I understand your  
22 testimony, you didn't get anything from CPD  
23 related to the alternate route that you proposed  
24 and you testified to; is that correct?

1           A.       They did in their response letter state  
2       that they would be able to support that route.

3           Q.       Did you take into consideration any  
4       other routes, alternate routes, besides the one  
5       you proposed?

6           MR. SPAHR:   Objection to vagueness.

7           MR. WILLIAMS:   He knows if there were  
8       any others, I can't testify to specific ones.   It  
9       was a question, yes or no.

10          ADMINISTRATIVE LAW JUDGE FLEMING:   Well,  
11       objection is overruled.   You know, Mr. Gallardo,  
12       if you understand it you can answer it.

13          THE WITNESS:   If you're asking like were  
14       there any kind of discussions as to what routes  
15       would be usable, we've had -- or I should say  
16       I've have conversations with other departments  
17       opposing various routes during the time of the  
18       DNC.   And seeing, you know, what would be  
19       feasible, what would be safe to do.

20                 If that's what you're asking, then, yes,  
21       we have looked at other areas of the City where  
22       protests may be able to take place or any kind of  
23       parades or assemblies.

24

1 BY MR. WILLIAMS:

2 Q. Were any of those within the sight and  
3 sound of the United Center; any of those  
4 alternatives?

5 A. We have looked at locations near the  
6 United Center, yes.

7 Q. Which locations?

8 A. Well, it's -- so in terms of like near  
9 the United Center, basically Union Park. There's  
10 also another park north of the United Center  
11 called Park 578 that we've looked at. We've  
12 looked at areas on Washington and Warren to see,  
13 you know, what the availability of those  
14 locations would be.

15 Q. What determination did you make about  
16 those alternates?

17 A. We weren't able to determine whether or  
18 not those alternates would be acceptable because  
19 there's a lack of information -- or at least on  
20 my part, as to the extent of the DMC footprint.

21 Q. Where do you get information about the  
22 DNC footprint?

23 A. That would have to come from the  
24 organizers and the Secret Service.

1           Q.     Okay. Is there some kind of committee  
2     that comes together around the DNC?

3           A.     They do have groups that get together.  
4     But those are run by, again, by the Secret  
5     Service and the DNC, not by CDOT.

6           Q.     Okay. Who -- the DNC has a say in the  
7     security planning around the United Center; is  
8     that correct?

9           MR. SPAHR: Objection. Speculation.

10          ADMINISTRATIVE LAW JUDGE FLEMING: All  
11     right. I'm going sustain the objection. The  
12     issue that is in front of this tribunal today,  
13     again, is whether or not Mr. Gallardo complied  
14     with the ordinance.

15          The ordinance requires the City to  
16     propose, taking into consideration all of the  
17     circumstances, a proposed route. It does not  
18     require Mr. Gallardo and the Department of  
19     Transportation to give a list of whatever number  
20     possible proposed routes?

21          They issued the denial letter with a  
22     proposed alternate route in compliance with the  
23     ordinance. What the DNC and what the Secret  
24     Service may be doing and what the Department of

1 Homeland Security may be doing is not within  
2 Mr. Gallardo's testimony.

3 MR. WILLIAMS: This Section (k) of the  
4 ordinance says, "...the commissioner shall  
5 authorize the conduct of a parade on a date, at a  
6 time, at a location, or over a route different  
7 from that named by the applicant. This alternate  
8 permit shall, to the extent practicable,  
9 authorize an event that will have comparable  
10 public visibility and a similar route, location  
11 and date to that of the proposed parade."

12 He's -- we're talking about a protest  
13 of -- at the United Center because that's where  
14 the delegates are who are the subject if the  
15 political speech. He's exercising discretion as  
16 to provide an alternative. I'm inquiring into  
17 how he exercised that discretion to see if he met  
18 the requirements of Section (k).

19 ADMINISTRATIVE LAW JUDGE FLEMING:  
20 That's not what you're asking him. You're asking  
21 him if there were other proposed routes. What  
22 other was discussed. That's not relevant to me.  
23 What was proposed is what is in the denial  
24 letter, which was not accepted.

1                   So the question, again, in front of me,  
2                   when we're dealing with the alternate proposed  
3                   route was did Mr. Gallardo follow the ordinance;  
4                   did they propose a route that meets the  
5                   requirements of the ordinance.

6                   Your argument will probably be that it  
7                   doesn't meet the requirements of the ordinance  
8                   because it's not close enough to the United  
9                   Center, the delegates aren't going to be in a  
10                  certain area. That's the argument that you can  
11                  make.

12                 But the question of other proposed  
13                 routes is not relevant and can't be relevant here  
14                 because none of the bases of the denial is  
15                 dealing with speculative proposed routes.

16                 MR. WILLIAMS: No, it's dealing with the  
17                 investigation that they conducted and the  
18                 analysis they did in making a decision about what  
19                 was an alternate route. Which -- you know, with  
20                 respect is very far away and not even near the  
21                 United Center.

22                 ADMINISTRATIVE LAW JUDGE FLEMING: Well,  
23                 again, that's a factual matter you can argue.

24                 MR. WILLIAMS: But so is the steps they

1       took to do an analysis.

2               ADMINISTRATIVE LAW JUDGE FLEMING: No,  
3       sir. The steps that we're dealing with here,  
4       again, it's a very limited scope. The steps I'm  
5       dealing with here is whether or not the ordinance  
6       was followed.

7               We don't address constitutional issues  
8       here. Those have to be addressed in a different  
9       forum. It's very, very straightforward. Was the  
10      ordinance followed?

11

12      BY MR. WILLIAMS:

13              Q.     Do you know how far the alternate route  
14      is from the United Center?

15              A.     I haven't taken any kind of  
16      measurements as to the distance.

17              Q.     The alternate route would run from  
18      Roosevelt Road -- on South Columbus Drive from  
19      Roosevelt Road to Jackson; is that correct?

20              A.     Yes.

21              Q.     Okay. And from Jackson to the United  
22      Center -- Jackson and Columbus Drive to the  
23      United Center would be about three miles; does  
24      that sound about right?



1           A.     I'd have to take a look but that's  
2     possible, yes.

3           Q.     Okay. I'm going show what's been  
4     marked as AWC, for Anti-War Coalition, Exhibit 1.  
5     Do you recognize this photo?

6           A.     Looks to be a photo of the Grant Park  
7     area.

8           Q.     Okay. And it's labeled Columbus Drive  
9     Overhead View. Based on your experience, your  
10    six years of experience, does it sound -- does  
11    this seem like it's a view of the Columbus Drive  
12    section that you're proposing [inaudible]?

13          A.     It does appear to be so, yes.

14          Q.     Okay. Can you tell me -- have you  
15    driven that part or been on that part of Columbus  
16    Drive?

17          A.     Yes, I've been on Columbus Drive  
18    before.

19          Q.     Okay. Does it appear to be tree-lined?

20          A.     There are trees along Columbus, yes.

21          Q.     Okay. Do you know how tall those trees  
22    are?

23          A.     No, I have not measured those trees.

24          Q.     Is it fair to say they're taller than a

1 human?

2 A. I would imagine they are.

3 Q. Okay. And is it fair to say that those  
4 trees would block visibility of anybody not on  
5 Columbus Drive?

6 MR. SPAHR: Objection. Speculation.

7 ADMINISTRATIVE LAW JUDGE FLEMING:  
8 Sustained.

9  
10 BY MR. WILLIAMS:

11 Q. Is it fair to say that trees would  
12 block visibility?

13 MR. SPAHR: Objection. Speculation.

14 ADMINISTRATIVE LAW JUDGE FLEMING:  
15 Sustained. That's an argument you can make.

16  
17 BY MR. WILLIAMS:

18 Q. And to the right, you can see hotels  
19 from Michigan Avenue; is that correct?

20 A. You do see the buildings to the west on  
21 Michigan Avenue.

22 Q. Okay. And is that the hotel district  
23 of -- part of the hotel district of Chicago,  
24 downtown Chicago?

1           A.       There are some hotels there, as well as  
2       office buildings and condos and other structures.

3           Q.       Okay. So from this you would -- the  
4       route you're proposing take place behind the  
5       trees relative to Michigan Avenue or in front of  
6       the trees, closer to Michigan Avenue?

7           A.       So the route would be on Columbus from  
8       Roosevelt to Jackson. So I'm not sure what  
9       you're asking about.

10          Q.       Okay. Do you think a route three miles  
11       from the United Center is comparable public  
12       visibility in your opinion?

13               MR. SPAHR: Objection. Improper basis.

14               ADMINISTRATIVE LAW JUDGE FLEMING:  
15       Overruled. He can answer.

16               THE WITNESS: Yeah, it's -- the central  
17       business district is one of our most busy areas  
18       of the city. So there are routinely tens of  
19       thousands, hundreds of thousands of individuals  
20       there. As you pointed out there are buildings  
21       across the way on Michigan Avenue that have clear  
22       view onto Columbus.

23               You also have Lake Shore Drive, which  
24       has over 100,000 cars daily on it, which can also

1 view areas near Columbus.

2 So there -- you also have thousands of  
3 visitors that come to Grant Park on any given  
4 day. So it is a very -- it's a highly visible  
5 area where lots of activity typically take place.

6

7 BY MR. WILLIAMS:

8 Q. You're not proposing that they can go  
9 on Lake Shore Drive. Are you?

10 A. No, I said on Columbus.

11 Q. Okay.

12 A. I said they can be viewed from Lake  
13 Shore Drive.

14 Q. Between the trees; on the street  
15 between the trees, correct?

16 A. We regularly have folks on Lake Shore  
17 Drive that can see into Grant Park.

18 Q. There have been a number of other  
19 permit requests for parades during this  
20 Democratic National Convention; is that right.

21 MR. SPAHR: Objection. Relevance.

22 ADMINISTRATIVE LAW JUDGE FLEMING:

23 What's the relevance of that?

24 MR. WILLIAMS: I want to see if he is

1       the one who responded to and made a decision  
2       about those permits and the extent to which he  
3       used that information to make a decision about  
4       this permit.

5                   ADMINISTRATIVE LAW JUDGE FLEMING:  
6       What's the relevance of that?

7                   MR. WILLIAMS: Well, in the denial  
8       letter, they talk about -- I don't want to get  
9       into the testimony, but they talk about something  
10      that appears pretty obviously about another  
11      permit.

12                  ADMINISTRATIVE LAW JUDGE FLEMING: Why  
13      don't you direct him to the denial letter and to  
14      that so we know --

15                  MR. WILLIAMS: All right.

16

17      BY MR. WILLIAMS:

18                  Q.     The Democratic National Convention ends  
19      on August 22nd, correct?

20                  A.     Uh-huh.

21                  Q.     Okay. And that's the date of this  
22      permit request, correct?

23                  A.     Yes.

24                  Q.     Okay. And in your response under

1 Paragraph 2, Section 2 of your letter relating to  
2 (g) (2), looking at the second paragraph, you  
3 indicate, "...moreover the proposed parade winds  
4 through the city center on a day many attendees  
5 are expected to arrive and would create  
6 significant traffic concerns [inaudible] existing  
7 police resources." Do you see that?

8 A. Uh-huh.

9 Q. You see that line?

10 A. Yes.

11 Q. Okay. Do you expect a lot of the  
12 attendees to arrive on the last day?

13 A. I would imagine that there will be  
14 people coming and going the entire week.

15 Q. Was this what you said in response to a  
16 permit requested for August 19th?

17 MR. SPAHR: Objection. Relevance and  
18 foundation.

19 ADMINISTRATIVE LAW JUDGE FLEMING: Well,  
20 there is a foundation problem because we don't  
21 have that there, but getting to the heart of it,  
22 you've made your point that this is the last day  
23 of the convention, so in my mind you can  
24 certainly argue from there that it is less likely

1       that delegates will be arriving on the last day  
2       of the convention, as opposed to the 19th, the  
3       20th, or what have you.

4               So that particular matter as set forth  
5       as a basis for the denial may not have the impact  
6       that it would in potentially other cases.

7               MR. WILLIAMS: But again, Judge,  
8       Section (f) of the ordinance requires that it be  
9       an investigation of the permit application, in  
10      this case this permit application. I think  
11      there's a strong inference to be made here that  
12      this would be responding to an entirely different  
13      permit application on a different day.

14              This is the person who signed the  
15      letter. He testified that he's the one  
16      responding to these permit application for the  
17      DNC. He's the appropriate person to ask the  
18      question to.

19              ADMINISTRATIVE LAW JUDGE FLEMING: And I  
20      believe he's answered it that his position is  
21      that delegates or participants are going to be  
22      coming off and on throughout. So the question,  
23      again, is more of weight to be given to that  
24      particular section as opposed to getting into a

1 application, potential application for a  
2 different permit.

3 MR. WILLIAMS: Judge, he has an  
4 obligation under the ordinance to conduct an  
5 investigation of this permit application. It's  
6 seems pretty clear that he's using, potentially,  
7 a response to another permit application to  
8 respond to this one.

9 ADMINISTRATIVE LAW JUDGE FLEMING:  
10 Again, I'm going to let you make the argument on  
11 that, but I don't believe that is relevant to the  
12 issue here. He has testified to the  
13 investigations that were made. He has testified  
14 that specifically with this particular  
15 application, to the effect -- his opinion as to  
16 the effect on traffic.

17 He has testified that with this  
18 particular application the response that he  
19 received from the police department. So if this  
20 particular section of that denial letter is  
21 something that you feel is improper or wrong, you  
22 can make the argument. You've made the point.

23 MR. WILLIAMS: But what I can't make the  
24 argument without asking these questions is that



1       he didn't conduct an investigation of this permit  
2       application.

3                   ADMINISTRATIVE LAW JUDGE FLEMING:   Ask  
4       him.

5

6   BY MR. WILLIAMS:

7           Q.     Did you conduct an investigation of  
8       this permit application?

9           A.     Yes.

10          Q.     Was it separate from your investigation  
11       of other permit applications?

12          A.     Yes.   We review each application as  
13       they come in.

14          Q.     Okay.   And why in this denial letter,  
15       then, do you reference people arriving on the  
16       last day but not leaving?

17          A.     As you mentioned, it's still going to  
18       be taking place during the 22nd.   And there will  
19       be people who will be here throughout the week  
20       and they will be traveling back and forth from  
21       wherever they're staying, whatever hotels, to the  
22       various venues.

23                   So if, I mean, is your argument that I  
24       used poor language in the letter?

1           Q.     No. I'm asking if you relied on the  
2     investigation of another permit application in  
3     responding to this one?

4           A.     No, I did not. We review each  
5     application as they come in.

6           Q.     Okay. So August 22nd, you didn't  
7     expect people to be leaving, only arriving?

8           A.     I'm sure some of them may be leaving,  
9     but that doesn't affect what we reviewed when the  
10    application came in.

11          Q.     The -- taking a look at the City's  
12    Exhibit 4. Do you see that?

13          A.     It's the outline for the requested  
14    route.

15          Q.     The proposed route, okay. That runs  
16    near United Center, correct?

17          A.     Yes, I does.

18          Q.     But it's a couple blocks south of  
19    United Center, correct?

20          A.     Well, there -- it's a reasonably  
21    lengthy route.

22          Q.     Okay. But on -- as close as it get to  
23    the United Center is a couple blocks south,  
24    correct?

1           A.     So I mean, it's still the area that is  
2     in question, right, the United Center?

3           Q.     Yes.

4           A.     I guess I don't understand your  
5     question. I mean, yeah, they're going all the  
6     way up to Adams, is that --

7           Q.     Okay. And that's the closest they  
8     would get to the United Center, the march,  
9     correct?

10          A.     That's their request, yes.

11          Q.     But I'm asking, is that -- according to  
12     this, is that the closest the march would get to  
13     the United Center?

14          A.     Per their request, yes.

15          Q.     Okay. And that's a couple of blocks  
16     south of the United Center, correct?

17          A.     So if you're talking about strictly the  
18     United Center, the building itself?

19          Q.     Uh-huh.

20          A.     Then yes, the front door of the United  
21     Center is not on Adams. But United Center  
22     encompasses and entire campus, which includes  
23     various parking lots and other buildings that are  
24     associated with the United Center, which are

1       likely to be within the footprint of that event.

2           Q.     Okay. So how close is Adams to where  
3       the event is?

4           A.     It's within the footprint of what we  
5       expect to be in the -- it would be inside the  
6       footprint of the event.

7           Q.     Okay. How do you define the footprint?

8           A.     Of the -- so the extent of the event?  
9       Where they're going to have vehicles or  
10      individuals or they're going to have security  
11      fencing or anything that might be associated with  
12      the event, that would be part of the footprint of  
13      the event.

14          Q.     Okay. And how far do those things  
15      extend?

16          A.     Again, we don't have a final answer  
17      from the Secret Service. But we expect that they  
18      would extend at least a couple of blocks from the  
19      main facility of the United Center.

20          Q.     Okay. How far south?

21          A.     Again, I don't have -- that's not my  
22      decision to make. That comes from Secret Service  
23      and the event organizer.

24          Q.     What would you consider a couple blocks

1 south?

2 A. It could go as far south as Harrison  
3 for all I know. I -- it's, again, I have to go  
4 based on the information that they're giving me.  
5 And right now I don't have a final footprint,  
6 just that they are going to be using the entire  
7 United Center campus, which could go as far as  
8 Malcolm X College, it could go down to Jackson or  
9 all the way to the expressway.

10 So I have to review that entire area  
11 whenever there's a conflict for that event.

12 Q. What is the information the Secret  
13 Service has given you?

14 A. That they are going to have a security  
15 footprint around the campus and they're going to  
16 be taking over more than just the facility  
17 itself. There are parking lots as well as the  
18 surrounding streets.

19 Q. Okay. Is that information given to you  
20 in writing?

21 A. That's -- there have been various  
22 information that -- been meetings that I have  
23 been in. But if you want the details of it,  
24 you'd have to get that from the Secret Service.

1           Q.     Okay. But my question was has the  
2     Secret Service given you information about this  
3     in writing?

4           A.     They have. But it's my understanding  
5     that I don't have the authority to share that.  
6     It has to be approved by the Secret Service to  
7     share that information.

8           Q.     Okay. Have you relied on information  
9     from the Secret Service in making your decision?

10          A.     They're one of the folks that I  
11     received information from.

12          Q.     So yes, you relied on information from  
13     the Secret Service?

14          A.     Yes. Among others, yes.

15          Q.     Okay. And yet, you're testifying you  
16     don't know what area the Secret Service is going  
17     to require?

18          A.     Again, I can only go by what they  
19     provided me so far. And my understanding is they  
20     have not made a final determination as to what  
21     the actual footprint will be.

22          Q.     So your denial is based on pure  
23     speculation as to what the footprint might be?

24                 MR. SPAHR: Objection. Misstates the

1 testimony.

2 ADMINISTRATIVE LAW JUDGE FLEMING: It  
3 does.

4 MR. SPAHR: And argumentative.

5 ADMINISTRATIVE LAW JUDGE FLEMING:  
6 Sustained. His denial is based upon the  
7 information set forth as to two specific sections  
8 of the ordinance. That's the denial. The  
9 proposed route is putting -- it's -- you're  
10 asking, I think, if the proposed applied for  
11 route was denied because it would be within the  
12 footprint of the United Center. Is that what  
13 you're asking?

14 MR. WILLIAMS: Yes.

15 ADMINISTRATIVE LAW JUDGE FLEMING:  
16 That's not in the denial letter.

17 MR. WILLIAMS: Well, the denial letter  
18 is not specific as to why. It talks about the  
19 need to move people back and forth, and people  
20 who will be in town, the President will be here,  
21 traffic safety issues.

22 You know, the denial is not specific.  
23 That's why we're here, to determine whether this  
24 denial complies with the ordinance or not.

1 ADMINISTRATIVE LAW JUDGE FLEMING: But  
2 you're questioning on the proposed route at this  
3 point in time.

4 MR. WILLIAMS: Yes.

5 ADMINISTRATIVE LAW JUDGE FLEMING: Okay.  
6 The proposed route is not within the bases for  
7 the denial. The denial are set forth in two  
8 sections of the municipal code, okay? They then  
9 propose an alternate route pursuant to another  
10 section of the ordinance. But that's not a  
11 denial portion.

12 MR. WILLIAMS: The denial under  
13 Section (g) (2) talks about the impediment and  
14 safety of transportation. And [inaudible]  
15 existing resources, protection of various  
16 locations, include city center, et cetera.

17 They're talking about the security  
18 around the United Center during the DNC. So  
19 if -- that's the basis for denying the route that  
20 was requested --

21 ADMINISTRATIVE LAW JUDGE FLEMING: The  
22 bases for denial are set forth in Sections  
23 10-8-330 (g) (1) and (g) (2). And he has test --  
24 Mr. Gallardo has testified to those matters.



1       Now, the question of whether there's going to be  
2       a footprint or how long -- much of a footprint is  
3       not available now, so that was not a specific  
4       bases for denial.

5               But the question of security, the  
6       question of what needs to be done has been  
7       testified to.

8               MR. WILLIAMS: Well, respectfully, the  
9       second part of Paragraph 2 very explicitly talks  
10      about heightened security, security checkpoints,  
11      and so forth. That these are things that were  
12      taken into consideration. And I am inquiring  
13      into the basis of using that information to use  
14      his discretion to deny this application.

15              There's nothing he cited to that says he  
16      has to deny it. He testified he's the one that  
17      makes the decisions. So he's necessarily  
18      exercising discretion. The question is whether  
19      that discretion comports with the ordinance.

20              ADMINISTRATIVE LAW JUDGE FLEMING: Mr.  
21      Gallardo has testified that he had reached out to  
22      a number of agencies, including CPD. And as a  
23      result of that, he has received the information  
24      that he input into the denial letter.

1                   So I am assuming, and I believe he has  
2                   testified to that and there will be police  
3                   testimony concerning these other matters.  
4                   Because the issue of security and the issue of  
5                   the ability to provide adequate security is  
6                   information that, again, would not necessarily be  
7                   under Mr. Gallardo's expertise. But he would be  
8                   relying on the information that he received from  
9                   the Chicago Police Department and/or other  
10                  agencies.

11                  MR. WILLIAMS: I respectfully disagree,  
12                  Your Honor. But this is your courtroom.

13

14       BY MR. WILLIAMS:

15                  Q.     If the security footprint did not  
16                  extend to Jackson Boulevard, could you have  
17                  permitted the parade to extend -- go to Jackson  
18                  Boulevard.

19                  MR. SPAHR: Objection. Calls for  
20                  speculation.

21                  ADMINISTRATIVE LAW JUDGE FLEMING:  
22                  Speculation. Sustained.

23

24       BY MR. WILLIAMS:

1           Q.     Well, when you decide what is  
2     permissible, do you take into consideration the  
3     security footprint?

4           A.     I have to take into consideration any  
5     information that I have.

6           Q.     Okay. So certainly, you wouldn't  
7     approve a parade that sought to go within the  
8     security barrier set up by the Secret Service.

9           MR. SPAHR: Objection. Speculation and  
10    relevance.

11           ADMINISTRATIVE LAW JUDGE FLEMING:  
12    Again, sustained. We don't have a footprint yet  
13    from the Secret Service.

14

15   BY MR. WILLIAMS:

16           Q.     Would you agree the alternate route is  
17    not visible from the United Center?

18           MR. SPAHR: Objection. Speculation.

19           ADMINISTRATIVE LAW JUDGE FLEMING:  
20    Sustained. [Inaudible].

21

22   BY MR. WILLIAMS:

23           Q.     Is it your testimony it's impossible to  
24    approve a parade that goes from Roosevelt Road up

1 Ashland?

2 MR. SPAHR: Objection. Calls for  
3 speculation.

4 ADMINISTRATIVE LAW JUDGE FLEMING:  
5 Sustained.

6

7 BY MR. WILLIAMS:

8 Q. Has a parade permit ever been approved  
9 that goes from Roosevelt Road up Ashland?

10 MR. SPAHR: Objection. Relevance.

11 ADMINISTRATIVE LAW JUDGE FLEMING:  
12 Sustained. We don't know that one's ever been  
13 filed.

14 MR. WILLIAMS: This is the person who  
15 approves them over the last six years. He can  
16 testify to it if he knows.

17 ADMINISTRATIVE LAW JUDGE FLEMING: Well,  
18 do you know if -- first of all, do you know if a  
19 permit parade application has ever been made for  
20 that site?

21 THE WITNESS: I don't know. Not off the  
22 top of my head.

23

24 BY MR. WILLIAMS:

1           Q.     You don't know if there's ever been a  
2     permit for a parade on Ashland Avenue?

3           A.     The City's been taking in permit  
4     applications for decades. I can't say with any  
5     kind of certainty that there's never been a  
6     parade or never been an application that  
7     requested that route.

8           Q.     You testified that part of the reason  
9     you decided it could not take place around there  
10    is because of the use of Ashland Avenue by the  
11    medical district; is that right?

12          A.     That is one of the factors.

13          Q.     Okay. And so if there was -- that  
14    would apply forever and any parade permit,  
15    correct; it wouldn't just be used to this?

16                 MR. SPAHR: Objection. Calls for  
17    speculation.

18                 ADMINISTRATIVE LAW JUDGE FLEMING:  
19    Sustained. If you're going to try and cross  
20    examine on that type -- that line, you can't just  
21    say a parade. Has there been an application for  
22    a -- was there an application for a parade in the  
23    1996 Democratic National Convention on that  
24    route? That might be relevant.

1                   But to say a parade, what type of  
2                   parade, what day of the week, what time of the  
3                   week? Those are all factors that would come into  
4                   play. And you can't cross examine Mr. Gallardo  
5                   on just asking has any parade ever gone down  
6                   Ashland Avenue.

7

8       BY MR. WILLIAMS:

9                   Q.       Are there any times that would be  
10                  acceptable to have a parade on Ashland Avenue  
11                  during the Democratic National Convention?

12                 A.       I have to review anyone's request, but,  
13                  I mean, if you're asking about the impact to the  
14                  Illinois Medical District, I mean, any time  
15                  you're going to be closing Ashland near that,  
16                  it's going to have an effect on any buildings  
17                  near that route. So that would be something that  
18                  I would review regardless.

19                 Q.       Is it possible to close part of Ashland  
20                  for a parade?

21                         MR. SPAHR: Objection. Speculation.

22                         ADMINISTRATIVE LAW JUDGE FLEMING:

23                         Sustained.

24                         MR. WILLIAMS: Your Honor, he testified

1       that it can't be done because it's used for --

2               ADMINISTRATIVE LAW JUDGE FLEMING:   The  
3       application is not for part of Ashland Avenue.  
4       So whether or not something could or could be  
5       done for part of Ashland Avenue is not in front  
6       of us.

7               MR. WILLIAMS:   It is for part of Ashland  
8       Avenue.

9               ADMINISTRATIVE LAW JUDGE FLEMING:  
10      You're asking if a parade permit could have been  
11      issued for part of Ashland Avenue.   That's not  
12      what the application asks for.   If that's the  
13      situation, then someone could have applied to  
14      have a parade go down part of Ashland Avenue.  
15      That application could be reviewed.   And the  
16      process can move on from there.

17              MR. WILLIAMS:   Is Section (k) not in  
18      front of us today, of the ordinance, Judge?

19              ADMINISTRATIVE LAW JUDGE FLEMING:   Are  
20      you talking about comparable route?

21              MR. WILLIAMS:   Yes.

22              ADMINISTRATIVE LAW JUDGE FLEMING:   It  
23      certainly is.

24              MR. WILLIAMS:   Okay.

1 ADMINISTRATIVE LAW JUDGE FLEMING: And  
2 he has testified as to why he felt it's a  
3 comparable route. You cross examined him on it.

4 MR. WILLIAMS: I started to cross  
5 examine him on that. A more comparable, would  
6 you agree, would be closer to where the original  
7 permit requested?

8 ADMINISTRATIVE LAW JUDGE FLEMING:  
9 That's not what the ordinance requires.

10 MR. WILLIAMS: To the extent  
11 practicable.

12 ADMINISTRATIVE LAW JUDGE FLEMING:  
13 Practicable.

14 MR. WILLIAMS: Yeah. "Comparable public  
15 visibility and a similar route, location and  
16 date." It does exactly require it. There is a  
17 requirement that there be a similarity between  
18 that requested and that granted.

19 And if there was a possibility to  
20 conduct the parade in the same area where the  
21 political speech was targeted, the I submit to  
22 you that Section (k) requires it to the extent  
23 possible?

24 ADMINISTRATIVE LAW JUDGE FLEMING: And



1       that will be, again, part of your argument. Mr.  
2       Gallardo has testified about the proposed route.  
3       He has testified why he felt it meets the  
4       requirements of Section (k). You, obviously, if  
5       you agreed with him you wouldn't be here. Okay.

6               But I don't know that there's anything  
7       in the ordinance that suggests that the  
8       Department of Transportation propose an alternate  
9       route, during all of the circumstances that we're  
10      dealing with here that is within X number of feet  
11      of the proposed -- of the applied for route. I  
12      don't see that in the ordinance.

13             MR. WILLIAMS: Well, obviously, this  
14      permit request is not in the ordinance. Nobody  
15      is suggesting that. I would know what he's --  
16      whether there was an alternative on Ashland. If  
17      I could ask the question. It's not if it's  
18      unknowable. He's sitting right here. He's the  
19      one who has exercised the discretion over whether  
20      or not -- to move the alternate three miles away,  
21      clearly out of site of the United Center.

22             ADMINISTRATIVE LAW JUDGE FLEMING: This  
23      is all argument.

24             MR. WILLIAMS: But I'm -- it's argument

1       based on fact. The question is as the Assistant  
2       Commissioner of the City of Chicago Department of  
3       Transportation, is it a possible alternative to  
4       shut down part of Ashland Avenue and still leave  
5       traffic flowing on Ashland Avenue to accommodate  
6       the medical district?

7               That's a question. A factual question  
8       for the commissioner -- Assistant Commissioner of  
9       the Chicago Department of Transportation?

10              ADMINISTRATIVE LAW JUDGE FLEMING: All  
11       right. City, do you want to respond to it?

12              MR. SPAHR: And as Mr. Gallardo has  
13       testified, it is in his job description to reach  
14       out to numerous other agencies within the City of  
15       Chicago to see if there's sufficient resources to  
16       accommodate a parade as applied for.

17              By having Mr. Gallardo answer Counsel's  
18       question would be effectively having him bypass  
19       the entire process and analyze a full new parade  
20       application without following the guidelines of  
21       the ordinance.

22              ADMINISTRATIVE LAW JUDGE FLEMING: Okay.  
23       The objection is sustained.

24

1 BY MR. WILLIAMS:

2 Q. What process did you follow to consider  
3 alternative routes?

4 A. So as we do with all applications, we  
5 review activities that are going to be taking  
6 place in the area, whether it's construction,  
7 whether it's other events; it can be festivals,  
8 athletic events, as well as input from other  
9 departments whether or not they are going to have  
10 the necessary resources to support the event. So  
11 that's all included in the review.

12 Q. So there is no other part of the city  
13 that's possible except this section of Columbus  
14 Drive behind the trees?

15 MR. SPAHR: Objection. Speculation.

16 ADMINISTRATIVE LAW JUDGE FLEMING:  
17 Sustained.

18

19 BY MR. WILLIAMS:

20 Q. During the process that you engaged in,  
21 did you consider any other part of the city?

22 MR. SPAHR: Objection as to relevance.

23 ADMINISTRATIVE LAW JUDGE FLEMING:  
24 Overruled if he can answer.

1                   THE WITNESS: I believe you asked that  
2                   question already. And we -- we looked at various  
3                   alternatives based on the information that we  
4                   have. But again, I have to go with what's  
5                   available to me.

6

7       BY MR. WILLIAMS:

8           Q.     What was available to you?

9           A.     So Columbus is a route that we believed  
10           as a city, both CDOT and other departments  
11           involved, that would require less resources and  
12           have less of an impact, so that's why it was  
13           selected even though it is still a high-profile  
14           location being in the central business district.

15          Q.     Who proposed that section of Columbus  
16           Drive?

17          A.     Who proposed the section of Columbus  
18           Drive?

19          Q.     As the alternate?

20          A.     So that was one of the locations that I  
21           as well as other folks have discussed with other  
22           departments as a possible route. So that's why  
23           we selected it.

24          Q.     Is that communication done in writing?

1           A.       So you'll probably find it in the  
2       response letter from the police. You'll also  
3       find -- you may find other information about it  
4       from other meetings that we've had discussing  
5       potential routes.

6                    Again, part of the process for the  
7       application is we do review it. We do talk to  
8       other departments and agencies and we ask them.  
9       So it's not -- it's not done in a vacuum.

10                   You know, I'm not determining for other  
11       departments what their manpower resources are.  
12       I'm not determining for them what their  
13       responsibilities are going to be during that time  
14       frame.

15                   They provide that information to me and  
16       we find a suitable alternative. And if  
17       there's -- if there is something that everyone  
18       believes that they can support -- I'm not going  
19       to select something based on their original  
20       request not being supportable and then just foist  
21       another location on others without making sure  
22       that they can support it. That would be -- that  
23       would defeat the purpose.

24           Q.       So is all that information that you

1       gather collected somewhere in writing?

2               MR. SPAHR:  Objection.  Asked and  
3       answered.

4               ADMINISTRATIVE LAW JUDGE FLEMING:  Well,  
5       it's cross examination.  I believe the question  
6       in one form may have been asked, but you -- it's  
7       cross examination so.

8               THE WITNESS:  I don't know that that's  
9       written down anywhere.  Like I said, you can see  
10      the acceptance by police in their response  
11      letter, that they were okay with that location.  
12      But I don't know that there's specific writing of  
13      every location that we may have reviewed.

14

15   BY MR. WILLIAMS:

16              Q.     Looking at Exhibit 5A through C,  
17      particularly the last page, 5C.  There's a number  
18      of people cc'd on this letter?

19              A.     Uh-huh.

20              Q.     I don't need to know who everybody is  
21      and what department they are, but can you -- what  
22      is this collection of people?  Why are they cc'd?

23              A.     They're various individuals that may  
24      have responsibility in one form or another for

1        reviews of a denial letter like this. So there  
2        are folks from the police department, from OEMC,  
3        from my own department, transportation, as well  
4        as the law department. Anyone who might need  
5        this information once it was sent out.

6            Q.     Are they all city employees?

7            A.     Yes.

8            Q.     So there's no federal people on this?

9            A.     No.

10          Q.     Are there any representatives of the  
11        DNC on this?

12          A.     No.

13          Q.     Would you agree there are multiple  
14        routes from downtown Chicago to the United  
15        Center?

16                   MR. SPAHR: Objection. Relevance.

17                   ADMINISTRATIVE LAW JUDGE FLEMING:

18        Overruled.

19                   THE WITNESS: When you say routes from  
20        downtown to the United Center?

21

22        BY MR. WILLIAMS:

23            Q.     Yes.

24            A.     I mean, there are multiple streets that

1 go -- that you could take to get back and forth.

2 Q. Okay. Could you take 290, for example?

3 A. You could. 290 does go by the United  
4 Center, as well as multiple other streets.

5 Q. Okay. Randolph Street runs west from  
6 downtown?

7 A. It does, but it kind of cuts off before  
8 you get to the United Center.

9 Q. Lake Street?

10 A. Lake Street is currently under  
11 construction. You would not be able to get to  
12 Damen from Lake Street.

13 Q. Madison runs out of downtown and it's  
14 two-way; isn't that correct, to the United  
15 Center -- runs right in front of the United  
16 Center?

17 A. Yeah.

18 MR. WILLIAMS: Your Honor, I have no  
19 further questions.

20 ADMINISTRATIVE LAW JUDGE FLEMING:  
21 Redirect?

22 MR. SPAHR: One moment. No further  
23 questions from the City for this witness.

24 ADMINISTRATIVE LAW JUDGE FLEMING: I



1       just want to ask a question for clarification  
2       purposes pursuant to the ordinance. Does the  
3       Commissioner of the Department of Transportation  
4       issue the denial through your denial letter?

5               THE WITNESS: Yes, if I understand your  
6       question. The authority for the ordinance is  
7       with the commissioner and then he designates  
8       someone or an agency within his department. And  
9       that is the permitting office, which I run.

10              ADMINISTRATIVE LAW JUDGE FLEMING: I  
11       just want it clear. You could not issue a denial  
12       without the commissioner's authorization?

13              THE WITNESS: Correct. The ordinance  
14       gives the commissioner the authority to do so.

15              ADMINISTRATIVE LAW JUDGE FLEMING: Okay.

16              THE WITNESS: Yeah, I'm simply acting on  
17       his behalf.

18              ADMINISTRATIVE LAW JUDGE FLEMING: You  
19       can cross on that if you have any questions on  
20       it.

21

22                              RE CROSS EXAMINATION

23       BY MR. WILLIAMS:

24              Q.       I thought you testified earlier you

1       were the one with the authority to issue the  
2       denial. And you issued the denial, correct?

3           A.     As I said, yes, the letter, if you see,  
4       I'm the one who's signing it as the  
5       commissioner's designee. So --

6           Q.     So you're a designee and authorized to  
7       issue the denial?

8           A.     That's one of the responsibilities of  
9       my job, yes, to review the applications and if  
10      needed, issue a denial letter.

11          Q.     [Inaudible] you testified in your  
12      earlier testimony. Otherwise we would need the  
13      commissioner here, right?

14                 ADMINISTRATIVE LAW JUDGE FLEMING: No.  
15      Not necessarily. But we don't at this point.  
16      All right. Let's take about ten minutes.

17

18      (A SHORT RECESS WAS TAKEN.)

19

20                 ADMINISTRATIVE LAW JUDGE FLEMING: All  
21      right. City, you can call your next witness,  
22      please.

23                 MR. DIONNE: All right. Judge, City  
24      next calls Deputy Chief Gabrielle Shemash.

1 ADMINISTRATIVE LAW JUDGE FLEMING: All  
2 right. Deputy, raise your right hand. Do you  
3 solemnly swear or affirm any testimony you give  
4 will be the truth?

5 DEPUTY CHIEF SHEMASH: Yes.

6 ADMINISTRATIVE LAW JUDGE FLEMING:  
7 Okay.

8

9 DIRECT EXAMINATION

10 BY MR. DIONNE:

11 Q. Good morning. Could you please state  
12 your name, spelling it for the record?

13 A. Sure. Gabrielle Shemash, last name is  
14 spelled S-H-E-M-A-S-H.

15 Q. Who is your current employer?

16 A. The Chicago Police Department.

17 Q. And how long have you worked for the  
18 Chicago Police Department?

19 A. 22 years.

20 Q. What is your current position?

21 A. I'm the Area 3 Deputy Chief of Patrol.

22 Q. How long have you held that position?

23 A. Since December of 2001.

24 Q. What is your role as Deputy Chief of

1 the Chicago Police Department?

2 A. I oversee patrol operations in four  
3 districts.

4 Q. Which districts?

5 A. The 12th, 19th, 20th, and 24th.

6 Q. And what does it mean to oversee those  
7 districts?

8 A. I just ensure that patrol operations  
9 are done properly, policies are followed. I  
10 oversee any special events in any of those four  
11 districts as well.

12 Q. Does that also include overseeing  
13 Chicago police officers?

14 A. Yes. Officers, sergeants, and up.

15 Q. Approximately how Chicago police  
16 members do you oversee?

17 A. Approximately, 1,200.

18 Q. Do you also, in your role, oversee any  
19 large city events?

20 A. Yes.

21 Q. Which ones?

22 A. Several. Some of the largest that I do  
23 are the Pride Parade and Puerto Rican Parade and  
24 Festival.

1           Q.     What do you have to do for these  
2     events?

3           A.     Lots of planning, ensure we have the  
4     proper resources in the district. Request  
5     additional resources and work with other city  
6     agencies for outside resources.

7           Q.     What kind of other city agencies do you  
8     speak with?

9           A.     OEMC, Streets and Sanitation, fire  
10    department, CDOT.

11          Q.     Are you aware that the Democratic  
12    National Convention is going to be in Chicago?

13          A.     Yes.

14          Q.     And how does the DNC compare to other  
15    events that you've worked on?

16          A.     It will be larger than anything I've  
17    worked on.

18          Q.     Have you, personally, been tasked with  
19    working on the DNC?

20          A.     Yes.

21          Q.     What is your role in preparation of the  
22    DNC?

23          A.     So with United Center being in my area,  
24    I'm tasked with patrol operations outside the

1 United Center area.

2 Q. What has CPD generally been called upon  
3 to do during the DNC?

4 A. We have to ensure public safety outside  
5 the secure parameter. We also have to maintain  
6 safety for the dignitaries and heads of state and  
7 their transportation to and from the venues.

8 Q. And when did you start working on this  
9 event?

10 A. January of 2023.

11 Q. What are the dates of the DNC?

12 A. August 19th through the 22nd.

13 Q. And what are the primary locations of  
14 the DNC?

15 A. United Center and McCormick Place.

16 Q. Now, generally speaking, what will  
17 Chicago Police Department's role be while the DNC  
18 is in Chicago?

19 A. Ensuring the safety of all the citizens  
20 outside of those two venues, along with the rest  
21 of the city.

22 Q. Does that include motorcades?

23 A. Yes.

24 Q. And what kind of security for the

1 attendees will CPD be providing?

2 A. There'll be dignitary protection at the  
3 venues that the DNC is happening in, as well as  
4 where the dignitaries are staying, and then the  
5 motorcade transportation routes.

6 Q. Now, while the DNC is in Chicago, are  
7 there other events within the city that have been  
8 affected?

9 A. Yes.

10 Q. All right. Directing you to the Air  
11 and Water Show, has that been affected by the DNC  
12 being in Chicago?

13 A. Yes. It's been moved.

14 Q. Do you know when it's been moved from?

15 A. It's been moved from the week of DNC  
16 ahead to August 10th and 11th.

17 Q. Why was this event rescheduled?

18 A. Because during the times of the DNC, we  
19 don't have the resources to ensure public safety  
20 at an event as large as the Air and Water Show.

21 Q. What kind of resources are required  
22 from CPD for the Air and Water Show?

23 A. Personnel, being officers, vehicles,  
24 squad cars, barricades, blue barricades, horses,

1       irons.

2           Q.     And does that require working with any  
3     other departments within the city?

4           A.     Yes.

5           Q.     Which ones?

6           A.     OEMC, Streets and Sans, fire  
7     departments, CDOT.

8           Q.     All right. And what about Chicago  
9     public schools? Has the start of the school year  
10    been delayed because of the DNC?

11          A.     Yes.

12          Q.     When has it been changed to?

13          A.     It's been pushed back one week.

14          Q.     Why was it pushed back one week?

15          A.     Typically during the first week of  
16    school, we man safe-passage routes and in this  
17    particular case, during DNC, we wouldn't have the  
18    manpower to ensure the safe-passage routes could  
19    be properly manned for the kids to get safely to  
20    school.

21          Q.     Besides manpower, are there any other  
22    resources that would be required from CPD?

23          A.     Yes. Again, vehicles, along with all  
24    the equipment that goes with the officers;



1 radios, body cams.

2 Q. Okay. Deputy Chief, do you know what a  
3 national special security event is?

4 A. Yes.

5 Q. What is that?

6 A. It's an event that's designated by the  
7 Department of Homeland Security that has  
8 significant national attention and requires extra  
9 security for, you know -- high propensity for  
10 terrorist threats or criminal activities that  
11 requires extra security.

12 Q. Is the Democratic National Convention  
13 consider an NSSE?

14 A. Yes.

15 Q. And how did you find that out?

16 A. From the Secret Service.

17 Q. Okay. Do you recall if you spoke to  
18 anybody in particular in the Secret Service about  
19 that?

20 A. I don't remember a particular person.

21 Q. Well, was it an agent from the Secret  
22 Service?

23 A. Yes. They held a meeting with us.

24 Q. And when you say "us" do you mean CPD?

1           A.       Yes, CPD.

2           Q.       So what is being required of CPD during  
3       an NSSE?

4                   MR. WILLIAMS: I would object to the  
5       fact this is hearsay. [Inaudible] foundation.

6                   MR. DIONNE: Judge, hearsay is permitted  
7       in the Department of Administrative Hearings.  
8       This officer just testified that she spoke to  
9       Secret Service about it being an NSSE and the  
10      next question was what was required of CPD.  
11      That's not hearsay.

12                  ADMINISTRATIVE LAW JUDGE FLEMING: I  
13      don't believe it is hearsay. If it was hearsay,  
14      hearsay is allowed in this particular venue. So  
15      the objection is sustained -- I mean, I'm sorry.  
16      The objection is overruled.

17

18   BY MR. DIONNE:

19           Q.       Officer, do you need me to re-ask the  
20      question?

21           A.       We will be required to provide  
22      security, again, outside of the secure perimeter,  
23      as well as any transportation routes for the  
24      dignitaries.

1           Q.     What's -- and I apologize. Deputy  
2     Chief, what do you mean when you say the secure  
3     perimeter?

4           A.     So there will be a perimeter around  
5     each of the venues. CPD will be tasked with all  
6     public safety issues outside of that.

7           Q.     And what date or dates do you have to  
8     start deploying any resources from CPD?

9           A.     So it will likely be up to a week prior  
10    to the event.

11          Q.     And when will these special deployments  
12    end?

13          A.     Possibly a couple days later, not  
14    positive. But it will be a little bit after the  
15    DNC actually ends.

16          Q.     And why does it have to extend after  
17    the DNC?

18          A.     They're going to have to actually take  
19    down equipment, take down fencing, take that  
20    perimeter down and we'll be required to secure  
21    the area for that.

22          Q.     During this time, how many officers are  
23    going to be required to accomplish these  
24    directives?

1           A.       Thousands.

2           Q.       During this time, are officers allowed  
3       for vacation?

4           A.       No.

5           Q.       Are officers allowed for furlough?

6           A.       No.

7           Q.       What about officer training during this  
8       time period?

9           A.       All training has been cancelled during  
10       this time.

11          Q.       How are officers going to be deployed  
12       in relation to the Chicago Transit Authority?

13          A.       So we'll be deployed on all the buses  
14       and trains, as well as the platforms, CTA  
15       platforms.

16          Q.       Are officers going to be tasked with  
17       barricading streets?

18          A.       Yes.

19          Q.       And what, if any, other agencies is CPD  
20       working with during this time?

21          A.       The Illinois State Police, Cook County  
22       Sheriffs, and some suburban agencies that border  
23       us.

24          Q.       Will you be working with the Secret

1 Service as well during this time?

2 A. Yes.

3 Q. Does the Secret Service direct the  
4 Chicago Police Department on how to allocate or  
5 use its resources?

6 A. No.

7 Q. Who makes that decision on how to  
8 deploy those resources?

9 A. CPD does.

10 Q. Now, do you have an estimate as to how  
11 many people will be arriving in Chicago during  
12 this time?

13 A. There'll be over a million.

14 Q. All right. And approximately how many  
15 delegates, if you know?

16 A. Approximately, 135 heads of states and  
17 then tens of thousands of actual delegates that  
18 go along with them.

19 Q. Are you aware whether or not the  
20 President and/or Vice President will be in  
21 attendance as well?

22 A. Yes, they'll both be in attendance.

23 Q. All right. Who or where did you get  
24 this information from?

1           A.     Secret Service.

2           Q.     And do you have an estimate how many  
3     just lay-people or citizens will be descending  
4     upon the city during this time?

5           A.     It'll be over a million.

6           Q.     Generally speaking, how large of an  
7     event is this for Chicago?

8           A.     This will be the largest that I've seen  
9     in my career.

10          Q.     Have you worked on prior large events  
11     within the city?

12          A.     Yes.

13          Q.     Which ones?

14          A.     As mentioned before, Pride Parade,  
15     large festivals, so Puerto Rican Festival,  
16     anything that happens at United Center or Wrigley  
17     Field.

18          Q.     And how does the Democratic National  
19     Convention compare to these other events you've  
20     worked on?

21          A.     It'll be much larger.

22          Q.     So I'm going to talk to you now about  
23     parade applications generally. How do you or do  
24     you receive any parade application requests?

1           A.     Yes.

2           Q.     Okay.  When you receive one, from whom  
3     do you receive it?

4           A.     From our special events section.

5           Q.     And is that through the Chicago Police  
6     Department?

7           A.     Yes.

8           Q.     Once you've received an application,  
9     what do you do?

10          A.     I review it and make an assessment as  
11     to how large it will be and what kind of  
12     resources that we would need to accommodate it.

13          Q.     Do you receive every parade  
14     applications or just specific ones?

15          A.     Just the ones in my area.

16          Q.     All right.  So once you've receive it  
17     then do you speak to anybody?

18          A.     The District Commander.

19          Q.     All right.  And is that through the  
20     Chicago Police Department as well?

21          A.     Yes.

22          Q.     And is that always the same district  
23     commander or does it vary?

24          A.     It varies based on what district the

1 event is in.

2 Q. Do you do an analysis of what resources  
3 are required from CPD to secure a parade route?

4 A. Yes.

5 Q. As part of that analysis, do you  
6 contemplate how many officers?

7 A. Yes.

8 Q. What else is considered when you're  
9 looking at an application?

10 A. The amount of equipment that goes with  
11 those officers, vehicles, as well as barricades  
12 for the roads. So blue horses, Type 3s, irons.

13 Q. All right. And what are Type 3s?

14 A. The road barricades that you typically  
15 see at a closure with the orange and white,  
16 usually held at the bottom by sandbags.

17 Q. And irons, what are those?

18 A. Just the like gray fencing that you  
19 typically see curbside at a parade.

20 Q. And how about Chicago Police Department  
21 vehicles?

22 A. Squad cars, as well as CTA buses that  
23 we used to move officers onto foot posts.

24 Q. Are there any other city departments or



1 clients that you contact in anticipation of  
2 analyzing a parade application?

3 A. Yes.

4 Q. Which ones?

5 A. OEMC, fire department, Streets and  
6 Sans, and CDOT.

7 Q. And why do you contact those  
8 departments?

9 A. Because we need to make sure that they  
10 have the amount of resources that would be needed  
11 for the same thing. And then we deconflict to  
12 make sure there's nothing else going on somewhere  
13 else in the city that would pull those resources.

14 Q. And who is in charge of directing the  
15 implementation of all these resources?

16 A. CPD.

17 Q. Do you have any prior experience  
18 working on parades which use the public way?

19 A. Yes.

20 Q. Approximately how many?

21 A. About a dozen.

22 Q. And have you ever worked on a parade  
23 roughly the size of the Petitioner's application?

24 A. Yes.

1 Q. Approximately how many times?

2 A. Same, about a dozen.

3 Q. And are you aware of the type of CPD  
4 resources it takes to allow these types of  
5 parades?

6 A. Yes.

7 Q. What types of CPD resources are  
8 required for types of parades such as the  
9 applicant Petitioner's?

10 A. Officers, squad cars, and barricades.

11 Q. And for parades of this size, does CPD  
12 have to work with any other agencies within the  
13 city?

14 A. Yes. As before, OEMC, fire department,  
15 Streets and Sans, and CDOT.

16 Q. And why for an application of this  
17 size?

18 A. To ensure that they have the resources  
19 we need. Barricades, ambulances, and personnel.

20 Q. So I'm handing you what's been  
21 previously entered into evidence as City's Group  
22 Exhibit 3A through C. Do you recognize this?

23 A. Yes.

24 Q. All right. And what is this that

1       you're looking at?

2           A.     A permit for an application for a  
3       parade.

4           Q.     Were you ever given a copy of the  
5       Petitioner's February 29, 2024 parade  
6       application?

7           A.     Yes.

8           Q.     When were you given a copy?

9           A.     Several weeks ago.

10          Q.     Do you recall by whom?

11          A.     It would have been through Special  
12       Events CPD.

13          Q.     Prior to today, did you review this  
14       application?

15          A.     Yes.

16          Q.     And looking at this application, what  
17       was the requested date of this parade?

18          A.     The 22nd of August 2024.

19          Q.     And the assembly time?

20          A.     5:00 p.m.

21          Q.     Start time?

22          A.     6:00 p.m.

23          Q.     End time?

24          A.     8:00 p.m.

1 Q. Disbursal time?

2 A. 9:00 p.m.

3 Q. Was there an estimated number of  
4 participants for this parade?

5 A. Yes. This is 1,000 plus.

6 Q. All right. And was there a proposed  
7 route for this parade?

8 A. Yes.

9 Q. All right. And what was that route?

10 A. The start is Addams-Medill Park and  
11 then northbound on Ashland to Adams. Adams west  
12 to Damen. South on Damen towards Roosevelt. And  
13 then Roosevelt back to Addams-Medill Park.

14 Q. And are you familiar with these streets  
15 in this location?

16 A. Yes.

17 Q. How are you familiar with them?

18 A. I was the commander of the 12th  
19 District.

20 Q. For how long?

21 A. For two years prior.

22 Q. So could you please describe  
23 Addams-Medill Park?

24 A. It's a large park, primarily used for

1       sporting events; some soccer fields, baseball  
2       diamonds.

3           Q.       And could you describe Ashland Avenue  
4       at this location?

5           A.       Ashland is a major thoroughfare, runs  
6       north south. Two traffic lanes in each direction  
7       and a parking lane. And it is a major  
8       thoroughfare into the medical district.

9           Q.       And how about Adams Street?

10          A.       Adams is a one-way going westbound.  
11       Also has some parking lane, mixed residential and  
12       business, and -- yeah, that's it.

13          Q.       Could you describe Damen Avenue,  
14       please?

15          A.       Damen is also a larger north south  
16       thoroughfare, two traffic lanes in each direction  
17       and a parking lane. Also runs through the  
18       medical district.

19          Q.       Could you describe Roosevelt Road?

20          A.       Roosevelt Road is a large east west  
21       thoroughfare, two traffic lanes and a parking  
22       lane.

23          Q.       How close is this proposed route to the  
24       United Center?

1           A.     At the point of Adams and Damen it is  
2     within a couple of blocks of the United Center.

3           Q.     And you also previously mentioned the  
4     medical district. Where is that in relation to  
5     this route?

6           A.     It's actually within the route.

7           Q.     And when you say "within the route"  
8     what, exactly do you mean?

9           A.     So Damen will run through it and both  
10    Roosevelt and Ashland will run adjacent to it.

11          Q.     Now, looking at this parade  
12    application, would CPD require just to close off  
13    these streets?

14          A.     No. It would require closing several  
15    major intersections, as well as side streets.

16          Q.     Why?

17          A.     One, we'd have to ensure that there is  
18    ample entrances to the emergency rooms at all the  
19    hospitals in the area, as well as preventing  
20    traffic from driving into the parade route.

21          Q.     Do you have an approximation of how  
22    many additional streets would have to be closed  
23    to secure this proposed route?

24          A.     Approximately 25 major intersections.

1           Q.     And would that require more resources  
2     from the Chicago Police Department?

3           A.     Yes.

4           Q.     Why would this take more resources?

5           A.     Simply, the personnel to close every  
6     one of those intersections, as well as extra  
7     personnel ensuring emergency room entrances.

8           Q.     Do you have an estimation of just how  
9     many physical officers it would take to secure  
10    this proposed route?

11          A.     It would be hundreds.

12          Q.     All right. And does that hundreds  
13    estimation include the additional side street  
14    closures?

15          A.     Yes.

16          Q.     What other resources would be required  
17    in order to secure this route?

18          A.     Vehicles, equipment for every officer,  
19    radios, body cams, and several barricades.

20          Q.     Would other agencies besides CPD be  
21    required to secure this route?

22          A.     Yes. Streets and Sanitation and the  
23    fire department would need an ambulance at least.

24          Q.     Would OEMC be required to be a part of

1       this proposed route as well?

2           A.     Yes.

3           Q.     Did you ultimately make a  
4       recommendation based on this Petitioner's parade  
5       application?

6           A.     I did.

7           Q.     And what was that recommendation?

8           A.     I recommended that it be denied.

9           Q.     All right. Well, why did you make that  
10       recommendation?

11          A.     Based on the date -- it's the same day  
12       as DNC is going on and all of our personnel will  
13       already be utilized for DNC, as well as our  
14       equipment and anything else we would need to have  
15       an additional event or parade.

16          Q.     Did it's proximity to the United Center  
17       make any factor in your declination?

18          A.     It did.

19          Q.     All right. And why was that?

20          A.     The secure perimeter at -- around the  
21       United Center will actually likely encroach into  
22       this route and we wouldn't be able to walk or  
23       drive on this route anyway.

24          Q.     Do you know what that secure perimeter



1 is at this point?

2 A. I don't.

3 Q. Did you know what the secure perimeter  
4 was when you made your recommendation?

5 A. No, just an estimate.

6 Q. Did the proximity or it going through  
7 the medical district have an effect on your  
8 determination?

9 A. Yes.

10 Q. All right. Why?

11 A. Because two of these streets, really  
12 three of these streets are major thoroughfares  
13 into our hospitals, so as to not delay any  
14 medical care for anybody or emergency vehicles.

15 Q. Which three streets in particular?

16 A. Ashland, Damen, and Roosevelt.

17 Q. Did the time play -- the time of the  
18 proposed parade play a factor in your analysis?

19 A. Yes.

20 Q. And why?

21 A. This is rush hour on a Thursday, very  
22 heavily trafficked area to begin with.

23 Q. Who did you share this information and  
24 determination with?

1           A.     The commander of the 12th District.

2           Q.     And how did you do that?

3           A.     We spoke.

4           Q.     And do you know where that information  
5     went next?

6           A.     Yes.   She typed a rejection letter and  
7     that went back to CDOT.

8           Q.     CDOT meaning the Department of  
9     Transportation?

10          A.     Yes.

11          Q.     And that's for the City of Chicago?

12          A.     Yes.

13          Q.     So why can't we close down Ashland  
14     Avenue as proposed on this application?

15          A.     So Ashland is the main thoroughfare to  
16     the hospitals.   There's several hospitals in the  
17     area, emergency rooms, and anything also coming  
18     off of 290.   It just -- anything hindering  
19     ambulances or even personal vehicles getting  
20     people to hospitals is not something we want to  
21     close down.

22          Q.     Is that the same for Damen Avenue?

23          A.     Yes.

24          Q.     Okay.   And for Adams?

1           A.     Adams is a smaller street. So it's not  
2     as much affected by the hospitals. My concern  
3     with Adams on this particular parade was its  
4     proximity to United Center and it will likely be  
5     in that secure perimeter.

6           Q.     What about Roosevelt?

7           A.     Roosevelt, again, is another  
8     thoroughfare to the hospitals from the south end  
9     of the hospital district.

10          Q.     Generally speaking, do these streets  
11     require more officers than other streets in  
12     Chicago to secure?

13          A.     They take many officers to secure.

14          Q.     All right. Why so many?

15          A.     Again, it's because of the hospitals.  
16     We can't let any closure take place where an  
17     emergency vehicle, an ambulance, could not get to  
18     an emergency room.

19          Q.     Deputy Chief, do you know what a secure  
20     footprint is?

21          A.     Yes.

22          Q.     What is it?

23          A.     So it's a perimeter that will restrict  
24     a particular type of traffic, whether it's

1       pedestrian, vehicle.

2           Q.     Is the United Center part of any secure  
3       footprint that you know of?

4           A.     It will be, yes.

5           Q.     Why is that?

6           A.     Because it'll be the site of the DNC.

7           Q.     And what is CPD's role in securing the  
8       secure footprint?

9           A.     So we'll be tasked with securing the  
10       exterior of the footprint. So we'll still need  
11       to maintain the integrity of the perimeter as  
12       well as maintain public safety around the  
13       perimeter.

14          Q.     And does CPD anticipate that there'll  
15       be more or less than the 1,000 participants  
16       listed on the application?

17          A.     It would likely be more. We have to  
18       anticipate that it would be more.

19          Q.     Why do you have to anticipate that?

20          A.     We'd have to prepare that it would be  
21       more than less so that we don't -- we're not  
22       overwhelmed without any prior planning or ability  
23       to get more resources.

24          Q.     All right. So does that ultimately

1       affect the amount of resources that you're  
2       anticipating for this proposed route?

3           A.     Yes.

4           Q.     Are there any other resources that  
5       would be needed outside of CPD to secure this  
6       route to what you've already mentioned?

7           A.     Again, the fire department and Streets  
8       and Sans.

9           Q.     Is CPD -- or would CPD be tasked with  
10      coordinating the deployment of all those  
11      resources for this proposed parade route?

12          A.     Yes.

13          Q.     And based upon your analysis, could CPD  
14      accommodate the Petitioner's proposed parade  
15      route?

16          A.     No.

17          Q.     Are you aware as to whether or not  
18      there was an alternate parade route proposed?

19          A.     Yes.

20          Q.     Do you know what that parade route was?

21          A.     Yes.   Columbus between Roosevelt and  
22      Jackson.

23          Q.     Do you know why this route was  
24      provided?

1           A.     It's still a very high-visibility  
2     route, it's downtown. It's also much easier to  
3     close in terms of road closures, much less  
4     manpower intensive for us to be able to allow a  
5     parade along that route.

6           Q.     Do you know why it would be easier to  
7     close?

8           A.     It's smaller, it's just one road, one  
9     direction, less intersections.

10          Q.     And when you say "fewer," do have an  
11     estimation of how many officers it would take to  
12     secure that route?

13          A.     I don't exactly, but fewer.

14          Q.     Fewer than the proposed parade route  
15     from this applicant?

16          A.     Yes. Many fewer. It's also not near  
17     any hospitals or somewhere where medical  
18     emergencies would occur.

19          Q.     Now, while the DNC is in Chicago, is  
20     there anything else that Chicago Police  
21     Department is also tasked with during this time?

22          A.     Yes. We still have to operate the rest  
23     of the city, 24/7. All of our other districts,  
24     roughly over 20,000 calls per day come into the

1 911 center. And those still all need to be  
2 answered.

3 Q. And does that have to be staffed by  
4 officers from the Chicago Police Department as  
5 well?

6 A. Yes.

7 MR. DIONNE: Judge, nothing further at  
8 this time. We tender the witness.

9 ADMINISTRATIVE LAW JUDGE FLEMING: Okay.  
10 Cross examination?

11

12 CROSS EXAMINATION

13 BY MR. WILLIAMS:

14 Q. Good morning. Can you give me your  
15 name again? I'm sorry.

16 A. Sure. It's Gabriella,  
17 G-A-B-R-I-E-L-L-A, S-H-E-M-A-S-H.

18 Q. Thank you. How many officers are there  
19 in the Chicago Police Department?

20 A. I can only estimate. Somewhere between  
21 11 and 13,000.

22 Q. I believe you testified you were tasked  
23 with analyzing the resources needed for the  
24 proposed route; is that correct?

1           A.     Correct.

2           Q.     And did you prepare any kind of written  
3     report?

4           A.     I did not.

5           Q.     What did you do to prepare -- to  
6     provide that --

7           A.     So I made an analysis determination and  
8     I spoke with the commander of the 12th District.  
9     We were in agreement that it was not feasible  
10    with what we have.

11          Q.     How many officers would be required to  
12    secure the route?

13          A.     It would be hundreds.

14          Q.     Okay. You don't know how many?

15          A.     No.

16          Q.     Okay. How many officers will be in  
17    that area anyway, without that parade permit to  
18    man the parade?

19          A.     I don't know.

20          Q.     So there will be officers in the area  
21    during the time of the DNC, correct?

22          A.     Yes. They'll be tasked with  
23    DNC-related work.

24          Q.     Okay. It sounds like there's going to



1 be a lot of work in Chicago during the DNC; is  
2 that right?

3 A. Yes.

4 Q. Why allow any permits at all?

5 MR. DIONNE: Objection.

6 ADMINISTRATIVE LAW JUDGE FLEMING:

7 Sustained.

8

9 BY MR. WILLIAMS:

10 Q. Why would you -- why did you recommend  
11 to allow a permit in this situation?

12 MR. DIONNE: Objection. Vague.

13 ADMINISTRATIVE LAW JUDGE FLEMING:

14 Sustained.

15

16 BY MR. WILLIAMS:

17 Q. Did you recommend to allow a permit in  
18 [inaudible], an alternate route permit for this  
19 parade?

20 MR. DIONNE: Objection. Vague.

21 ADMINISTRATIVE LAW JUDGE FLEMING: Well,  
22 no, I don't if recommend is the right term. The  
23 first deputy didn't say she recommended the  
24 proposed route. She was aware of it.

1                   THE WITNESS: Right, I was made aware by  
2           our bureau of patrol that they had chosen an  
3           alternative route that was in the downtown area  
4           that would be more feasible for the manpower we  
5           had. It was not of my choosing.

6

7   BY MR. WILLIAMS:

8           Q.     Okay. Did you have any say in choosing  
9           that route?

10          A.     I did not.

11          Q.     Who made that decision?

12          A.     Our bureau of patrol.

13          Q.     And who is that?

14          A.     It was either Deputy Chief O'Connor or  
15          at the time Chief of Patrol McDermott.

16          Q.     You had no input into that decision?

17          A.     I did not.

18          Q.     Okay. But you did have input into the  
19          decision about the denial of the proposed route;  
20          am I correct about that?

21          A.     Yes.

22          Q.     Okay. And you testified as to why and  
23          the role that you play and so forth. So you have  
24          a legitimate reason to have input into that.

1       Would it be your recommendation not to allow any  
2       permits in Chicago at all during the DNC?

3               MR. DIONNE:  Objection.  Calls for  
4       speculation.

5               ADMINISTRATIVE LAW JUDGE FLEMING:  
6       Sustained.

7

8   BY MR. WILLIAMS:

9               Q.     Is there a route closer to the United  
10       Center that you could recommend be allowed a  
11       permit during the DNC on this date and time?

12              MR. DIONNE:  Objection, Judge.  
13       Misstates --

14              ADMINISTRATIVE LAW JUDGE FLEMING:  
15       Sustained.

16

17   BY MR. WILLIAMS:

18              Q.     Is there any route within sight of the  
19       United Center that you could, in your capacity  
20       and with your authority, sign off on?

21              MR. DIONNE:  Objection.

22              ADMINISTRATIVE LAW JUDGE FLEMING:  I'll  
23       let her answer it.

24              THE WITNESS:  Around the United Center,

1 I would not recommend any particular route for  
2 the same reasons. We don't know exactly where  
3 the security perimeter will end.

4 So therefore, I can't say that any  
5 street around the United Center will or will not  
6 be available for either pedestrian or vehicle  
7 traffic.

8 And I cannot recommend anything in the  
9 direction of the medical district for the reasons  
10 I've already stated.

11

12 BY MR. WILLIAMS:

13 Q. Have you ever authorized a march on  
14 Ashland Avenue using part of the street?

15 MR. DIONNE: Objection. Relevance.

16 ADMINISTRATIVE LAW JUDGE FLEMING:

17 Sustained.

18 MR. WILLIAMS: She just testified she  
19 could never authorize it.

20 ADMINISTRATIVE LAW JUDGE FLEMING: She  
21 can never authorize one there. The question,  
22 again, you're asking it in a vacuum. Where on  
23 Ashland Avenue? What type of parade on Ashland  
24 Avenue? Is this part of Ashland Avenue during

1 the DNC? It's a question that is not relevant as  
2 asked.

3 MR. WILLIAMS: Okay.

4

5 BY MR. WILLIAMS:

6 Q. So the proposed route goes -- as to  
7 Ashland, it extends between Roosevelt Road and  
8 Union Park, up by Washington [inaudible]; is that  
9 correct?

10 A. Yes.

11 Q. Have you ever authorized the use of  
12 that section of Ashland for a march?

13 MR. DIONNE: Objection. Relevance.

14 ADMINISTRATIVE LAW JUDGE FLEMING:  
15 Sustained.

16

17 BY MR. WILLIAMS:

18 Q. Is your concern about the medical  
19 district, does that exist all the time for that  
20 section of Ashland?

21 MR. DIONNE: Objection. Relevance.

22 ADMINISTRATIVE LAW JUDGE FLEMING:  
23 Sustained.

24

1 BY MR. WILLIAMS:

2 Q. Are there any days when that concern  
3 does not exist on Ashland Avenue; your concern  
4 about the medical district does not exist on  
5 Ashland Avenue?

6 MR. DIONNE: Objection.

7 ADMINISTRATIVE LAW JUDGE FLEMING:  
8 Sustained.

9 MR. WILLIAMS: She's testifying she  
10 could never approve it on Ashland, which is where  
11 the request is because of concern about the  
12 medical district. And if she has approved it in  
13 the past, that would undermine that testimony,  
14 wouldn't it?

15 ADMINISTRATIVE LAW JUDGE FLEMING:  
16 Respectfully, the deputy does not make the final  
17 determination. You're asking these things in a  
18 vacuum. So I'm not going to put the deputy in a  
19 position where she is answering a general  
20 question that doesn't have a foundation as to the  
21 date, the time, et cetera, et cetera, so.

22

23 BY MR. WILLIAMS:

24 Q. Was your recommendation to not allow

1       this permit based, in part, on the proposal to  
2       use Ashland between Roosevelt and Washington?

3           A.       Can you repeat that?

4           Q.       Was your recommendation not to approve  
5       the proposed route in this permit based in part  
6       on the use of Ashland between Roosevelt and  
7       Washington?

8           A.       It was based on the fact that we don't  
9       have the resources to properly close Ashland,  
10      allowing -- to allow emergency vehicles a  
11      thoroughfare due to the conflicting event.

12          Q.       Okay. And is that concern about  
13      emergency vehicles on that section of Ashland, is  
14      that unique to the DNC or is that always the  
15      circumstances?

16                 MR. DIONNE: Objection. Calls for  
17      speculation.

18                 ADMINISTRATIVE LAW JUDGE FLEMING:  
19      Again, sustained. Other circumstances don't have  
20      the DNC. We're dealing with the circumstances  
21      that we are addressing on this application.

22

23      BY MR. WILLIAMS:

24           Q.       If the application had requested only

1 part of Ashland, would that have changed your  
2 opinion?

3 MR. DIONNE: Objection. Improper  
4 hypothetical.

5 ADMINISTRATIVE LAW JUDGE FLEMING:  
6 Sustained.

7

8 BY MR. WILLIAMS:

9 Q. Did you offer any suggestions as to  
10 alternatives to the proposed route?

11 A. The alternative that was given on  
12 Columbus was given to me, that was sent by the  
13 bureau of patrol and that was the alternative  
14 that was given.

15 Q. Did you offer any suggestions as to  
16 alternatives that could be used?

17 A. That was the alternative that could be  
18 used.

19 Q. I understand that you were told that  
20 with the alternative, correct?

21 A. Correct.

22 Q. Okay. I'm asking if you offered any  
23 alternatives?

24 A. Outside of that one, no.



1           Q.     Is that because you don't believe there  
2     are any alternatives outside of that one?

3           MR. DIONNE:  Objection.  Calls for  
4     speculation.

5           ADMINISTRATIVE LAW JUDGE FLEMING:  
6     Sustained.  That presupposes that the deputy's  
7     role is to make suggestions on alternate routes.

8

9     BY MR. WILLIAMS:

10          Q.     Was it your role to make  
11     recommendations as to the proposed route?

12          ADMINISTRATIVE LAW JUDGE FLEMING:  
13     Proposed route or proposed alternative?

14

15     BY MR. WILLIAMS:

16          Q.     The proposed parade route that the  
17     applicant received on Ashland, Adams, Damen, and  
18     Roosevelt Road.  Was it your role to make  
19     recommendations?

20          A.     No.  My role was to take what was asked  
21     for and determine whether or not that was  
22     feasible.

23          Q.     How did you determine whether or not  
24     that was feasible?

1           A.     Again, based on the date, the time of  
2     day, the proximity to a large-scale,  
3     high-security event with an unknown secure  
4     perimeter; as well as proximity to the medical  
5     district. All of those factors combined led me  
6     to make my decision.

7           Q.     Okay. And what was the information  
8     that you got regarding [inaudible], what factors?

9           A.     That based on this permit that 1,000  
10    plus people wanted to close -- to march in  
11    these -- on these streets, which would require an  
12    amount of road closures, that we do have the  
13    manpower for on this day and time.

14          Q.     How many extra police would it require  
15    on the proposed route, other than what you  
16    already have planned to be there?

17          A.     Barring nothing else happening,  
18    hundreds.

19          Q.     How many hundreds?

20          A.     I don't know. I didn't do an exact  
21    plan because even if it was one hundred, it would  
22    be -- we cannot -- because of the day and time,  
23    and the amount of resources being utilized by  
24    DNC, we do not have the extra manpower to handle

1 something to this scale.

2 Q. Is the -- you talked about the Air and  
3 Water Show being rescheduled, correct?

4 A. Yes.

5 Q. So that's not happening. You're not  
6 using resources for that, correct?

7 A. Correct.

8 Q. And then school has been delayed, the  
9 opening being delayed; is that correct?

10 A. Yes.

11 Q. Okay. So that's not happening. You  
12 don't need extra resources for that, correct?

13 A. Correct.

14 Q. Okay. Is it your understanding that  
15 the Democratic National Convention is a political  
16 event?

17 A. I believe so. I mean, it's in the  
18 title.

19 Q. Democratic Party --

20 A. Yeah.

21 Q. Okay. So would you expect to see  
22 political protest during a political event?

23 MR. DIONNE: Objection. Relevance.

24 ADMINISTRATIVE LAW JUDGE FLEMING:

1 Sustained.

2

3 BY MR. WILLIAMS:

4 Q. Do you believe that there any  
5 accommodation needed to be made for political  
6 protests?

7 MR. DIONNE: Objection. Relevance.

8 ADMINISTRATIVE LAW JUDGE FLEMING:

9 Sustained.

10

11 BY MR. WILLIAMS:

12 Q. You testified about the NSED [sic].  
13 What role do you play on the NSED [sic]?

14 A. The NSSE?

15 Q. NSSE --

16 A. The National --

17 Q. NSSE?

18 A. So I'm part of -- as part of the  
19 Chicago Police Department and having -- I'm  
20 tasked with operations in the 12th District in  
21 which United Center resides. So I maintain all  
22 patrol operations that are going to be outside of  
23 that event.

24 Q. Are there meetings of a task force or

1 anything at the NSSE?

2 A. There's lots of meetings.

3 Q. Do you attend those meetings?

4 A. Some of them.

5 Q. And what role do you play in those  
6 meetings?

7 A. Coordination with Secret Service and  
8 planning.

9 Q. Okay. And do you provide that  
10 committee with information about resources?

11 A. I do not.

12 Q. Do you know if anybody does from the  
13 police department?

14 A. I'm sure somebody does. That's not my  
15 role.

16 Q. Okay. Are you here today to testify on  
17 behalf of the Secret Service?

18 MR. DIONNE: Objection.

19 ADMINISTRATIVE LAW JUDGE FLEMING:

20 Sustained.

21

22 BY MR. WILLIAMS:

23 Q. Who are you here today to testify on  
24 behalf of?

1           A.     Myself and the Chicago Police  
2     Department.

3           Q.     Anybody else?

4           A.     No.

5           Q.     You testified you know what the secure  
6     perimeter is, a little bit about what that is.  
7     Do you know what the secure perimeter around the  
8     United Center is for the DNC?

9           A.     No, that hasn't been released to us  
10    yet.

11          Q.     The secure perimeter will likely extend  
12    north, west, east, and south of the United  
13    Center, correct?

14          A.     Yes.

15          Q.     Is there any reason this parade could  
16    not take place south of that secure perimeter,  
17    wherever it is?

18               MR. DIONNE:  Objection.  Calls for  
19    speculation.

20               ADMINISTRATIVE LAW JUDGE FLEMING:  
21    Sustained.

22

23    BY MR. WILLIAMS:

24          Q.     Would you recommend an application for

1 a parade taking place south of wherever that  
2 secure perimeter is?

3 MR. DIONNE: Objection. Relevance.

4 ADMINISTRATIVE LAW JUDGE FLEMING:  
5 Sustained.

6

7 BY MR. WILLIAMS:

8 Q. You testified that you get information  
9 from other agencies. I think the Office of  
10 Emergency Management, you called the fire  
11 department, Streets and Sanitation; anybody else?

12 A. That's about it.

13 Q. Okay. How do you get that information  
14 from them?

15 A. We usually have meetings.

16 Q. With people from each of those  
17 agencies?

18 A. Yes.

19 Q. Okay. And are there minutes to those  
20 meetings?

21 A. Not to my knowledge.

22 Q. Are there e-mails exchanged between  
23 representatives of those different agencies?

24 A. I'm sure sometimes there are. It would

1       depend on the issue.

2           Q.     Are there any reports created by those  
3       agencies?

4           A.     The only report that usually comes out  
5       at the end of one of those would be the IAP or  
6       the Incident Action Plan for the event that  
7       includes the plan for all those agencies.

8           Q.     Okay. And was there an IAP created for  
9       the DNC?

10           MR. DIONNE: Objection as to vagueness.

11           ADMINISTRATIVE LAW JUDGE FLEMING:

12       Overruled.

13           THE WITNESS: I'm sure it's being worked  
14       on, but it's not ready yet. It's going to be  
15       quite a large undertaking for somebody.

16

17       BY MR. WILLIAMS:

18           Q.     When you -- you testified, I believe,  
19       that you -- well, let me just ask you. Who did  
20       you communicate your recommendation to about the  
21       proposed parade route?

22           A.     The commander of the 12th District.

23           Q.     And how did you communicate that to the  
24       commander?



1           A.     We spoke about it.

2           Q.     Did you put anything in writing?

3           A.     I did not.

4           Q.     Did you create any kind of report?

5           A.     I did not.

6           Q.     You had -- did you relay information  
7     about other agencies?

8           A.     I did not.

9           Q.     So the information you got from the  
10    Chicago Fire Department, OEMC, and Streets and  
11    San that came to you, you didn't relay that to  
12    the commander?

13          A.     I'm sorry, I don't understand your  
14    question.

15          Q.     Maybe I misunderstood your testimony.  
16    Did you not testify earlier that you got  
17    information from the other city agencies?

18          A.     I don't believe the question was posed  
19    to me as to whether or not I got information from  
20    those city agencies for this specifically. It  
21    was a general question about what happens upon  
22    reviewing a permit for a parade of this -- a  
23    parade in general.

24          Q.     Okay. Did you get information from the

1 agencies about the proposed parade route on  
2 August 22nd and this application?

3 A. No.

4 Q. You got no information from the other  
5 city agencies?

6 A. For this itself, no.

7 Q. Okay. So you were given no reason by  
8 any other agency that this parade couldn't  
9 happen?

10 A. I know from a police perspective that  
11 this -- we could not handle this. There was no  
12 reason to move further into a planning phase with  
13 other city agencies because, we, as a police  
14 department, could not feasibly handle this.

15 Q. How many officers would be required for  
16 the alternate route proposed by the city?

17 A. I don't know.

18 Q. Is it your understanding the plan is to  
19 shut down Columbus Drive for that alternate  
20 route?

21 A. I didn't plan that route, so I don't  
22 know what the plan is for that alternate route.  
23 It's not under my purview.

24 Q. Whose purview is it under?

1           A.       It would be the Bureau of Patrol.

2           Q.       Do you know who?

3           A.       The -- either Deputy Chief O'Connor or  
4       the newly-appointed Chief of Patrol Hine  
5       [phonetic].

6           Q.       You're familiar with the alternate  
7       route suggested by -- proposed by the Chicago  
8       Department of Transportation --

9                   MR. DIONNE:  Objection.  Asked and  
10       answered.

11                   ADMINISTRATIVE LAW JUDGE FLEMING:  Well,  
12       that question was asked and answered, but I think  
13       it's preliminary to the next question.

14                   MR. WILLIAMS:  It is.

15                   ADMINISTRATIVE LAW JUDGE FLEMING:  So  
16       it's overruled.

17                   THE WITNESS:  Yes.

18

19       BY MR. WILLIAMS:

20           Q.       Okay.  Do you believe that that  
21       alternate route is comparable public visibility  
22       and a similar route location and date to that of  
23       the proposed parade to the extent practical?

24                   MR. DIONNE:  Objection.  Relevance.  It

1 calls for speculation.

2 ADMINISTRATIVE LAW JUDGE FLEMING:

3 Sustained. It's not her opinion that matters.

4

5 BY MR. WILLIAMS:

6 Q. You said that you expect over a million  
7 people during the DNC; is that correct?

8 A. Yes.

9 Q. Okay. Where did you get that number?

10 A. From Secret Service, an overview of  
11 what to expect.

12 Q. Did you share that number with the  
13 Chicago Department of Transportation?

14 A. I did not.

15 Q. And how did the Secret Service  
16 communicate that number to you?

17 A. In a introductory planning meeting.

18 Q. Was that in writing?

19 A. No, it was just a spoken meeting.

20 Q. Who said that?

21 A. Somebody from the Secret Service.

22 Q. You don't know who?

23 A. I do not.

24 Q. Do you have independent knowledge that

1       there will be over a million people here in  
2       Chicago?

3           A.       That's what I'm told to expect from  
4       previous -- Secret Service previous experience at  
5       these types of events.

6           Q.       But you don't know who told you that?

7           A.       I don't. It was January of last year.

8           MR. WILLIAMS: I don't think I have  
9       anything further.

10          ADMINISTRATIVE LAW JUDGE FLEMING: Okay.  
11       Redirect?

12

13                   REDIRECT EXAMINATION

14       BY MR. DIONNE:

15           Q.       All right. Deputy Chief, what was the  
16       purpose of you, as an employee of the Chicago  
17       Police Department, to review this proposed permit  
18       for August 22, 2024?

19           A.       So this permit falls in the 12th  
20       District, which, again, I'm in charge of patrol  
21       operations for. That's why I was looking at this  
22       particular one.

23           Q.       And when you look at that, what do you  
24       review for CPD?

1           A.       So I would review whether the district  
2       had enough personnel and resources, equipment for  
3       the officers, and then deconflict with any other  
4       events going on in the area that would deplete  
5       that.

6           Q.       Did you do that for this particular  
7       application?

8           A.       Yes.

9           Q.       Once you've made that determination,  
10       does that end your analysis of this application?

11          A.       Yes.

12          Q.       And who did you communicate that  
13       determination to, specifically?

14          A.       To Commander Giltmier and subsequently,  
15       to our special events and then CDOT, to CDOT.

16          Q.       All right. Thank you.

17                   MR. DIONNE: Nothing further.

18                   ADMINISTRATIVE LAW JUDGE FLEMING:

19       Anything on that?

20

21                   RE CROSS EXAMINATION

22       BY MR. WILLIAMS:

23          Q.       Did you just say you communicated with  
24       CDOT?

1           A.     No. Ultimately, it goes to CDOT, the  
2     decision goes to CDOT.

3           Q.     Let's talk about you. You communicated  
4     with Commander Giltmier, correct?

5           A.     Correct.

6           Q.     And you communicated to someone in  
7     special events?

8           A.     No. So I communicated with Commander  
9     Giltmier. Then there is a rejection written that  
10    then goes to special events and ultimately to  
11    CDOT. It is not my personal connection to CDOT.

12          Q.     Who writes the rejection?

13          A.     Commander Giltmier did.

14          Q.     Okay, so you don't write the rejection?

15          A.     I did not.

16          Q.     Okay. And do you have a copy of the  
17    rejection?

18          A.     I do not.

19          Q.     Do you know what Commander Giltmier put  
20    in the rejection?

21          A.     Not without looking at it, no.

22          Q.     Okay. And do you know what Commander  
23    Giltmier relayed to special events?

24               MR. DIONNE: Objection. Judge, calls

1       for speculation.

2                   ADMINISTRATIVE LAW JUDGE FLEMING:   It's  
3       cross examination so I'll let him ask.  
4       Overruled.

5                   THE WITNESS:   At one time, I read the --  
6       I looked at the letter to make sure that I agreed  
7       with it.   I don't remember what, specifically,  
8       was in there.   It was weeks ago.

9

10      BY MR. WILLIAMS:

11           Q.       Was there anything in there you recall  
12      you disagreed with?

13           A.       I don't recall.   I'd have to see it  
14      again.

15           Q.       All right.   Do you know if that was the  
16      only communication Commander Giltmier had with  
17      special events?

18           A.       I don't know what other communication  
19      she would have had.

20                   ADMINISTRATIVE LAW JUDGE FLEMING:   I  
21      just want to inter -- so the record's clear.  
22      When you're referring to special events, you're  
23      referring the Chicago Police Department Special  
24      Events Section.   Not the City of Chicago's



1 Department of Special Events.

2 THE WITNESS: Correct.

3 MR. WILLIAMS: Thank you for the  
4 clarification.

5 ADMINISTRATIVE LAW JUDGE FLEMING: It  
6 gets --

7 MR. WILLIAMS: I'm not sure I knew that,  
8 so thank you for the clarification.

9 ADMINISTRATIVE LAW JUDGE FLEMING: Well,  
10 the reason because, again, the Air and Water Show  
11 has been mentioned and that is under the purview  
12 of the Department of Special Events. So this is  
13 the City of Chicago Police Department's  
14 department.

15 MR. WILLIAMS: Understood.

16

17 BY MR. WILLIAMS:

18 Q. And Commander Giltmier is the one who  
19 communicated with Chicago Department of  
20 Transportation, correct, related to this  
21 application?

22 A. The written report goes to them, yes.

23 Q. So the written report to CDOT came from  
24 Commander Giltmier?

1           A.     Correct.

2           Q.     Not from you?

3           A.     Correct.

4           Q.     Did -- do you know what was in the  
5     written report?

6                     MR. DIONNE:  Objection.  Asked and  
7     answered, Judge.

8                     ADMINISTRATIVE LAW JUDGE FLEMING:  That  
9     was asked and answered.

10                    MR. WILLIAMS:  No, I asked about the  
11     special events, not about the CDOT  
12     communications.

13                    THE WITNESS:  It's the same --

14                    ADMINISTRATIVE LAW JUDGE FLEMING:  It's  
15     the same communication.

16                    MR. WILLIAMS:  CDOT is the special  
17     event -- the Chicago --

18                    THE WITNESS:  It's the same report that  
19     goes to both.

20                    MR. WILLIAMS:  Okay.  Well, then, I have  
21     my answer.  That's the same report.

22                    ADMINISTRATIVE LAW JUDGE FLEMING:  Okay.

23

24     BY MR. WILLIAMS:

1           Q.     Do you know if Commander Giltmier  
2     communicated with Chicago Department of  
3     Transportation in any other way?

4           MR. DIONNE:  Objection.  Vague and calls  
5     for speculation.

6           ADMINISTRATIVE LAW JUDGE FLEMING:  Well,  
7     again, I'm assuming if she knows concerning this  
8     report.  So overruled.

9           THE WITNESS:  I do not know.

10

11  BY MR. WILLIAMS:

12           Q.     So in other words, you don't know what  
13     the ultimate communication with CDOT was from  
14     Chicago --

15           MR. DIONNE:  Objection.  Argumentative.

16           MR. WILLIAMS:  -- from the Chicago  
17     Police Department, correct?

18           ADMINISTRATIVE LAW JUDGE FLEMING:  
19     Overruled.

20           THE WITNESS:  I do not know.

21           MR. WILLIAMS:  I don't have anything  
22     further.

23           ADMINISTRATIVE LAW JUDGE FLEMING:  Okay.  
24     Anything on that?

1 MR. DIONNE: No, Judge.

2 ADMINISTRATIVE LAW JUDGE FLEMING: Okay.  
3 Thank you, Deputy. How many more witnesses does  
4 the City have?

5 MR. DIONNE: Judge, that concludes at  
6 this point all the live testimony. We just have  
7 the affidavit that Your Honor was deferring  
8 ruling on.

9 ADMINISTRATIVE LAW JUDGE FLEMING: Okay.  
10 And then how many witnesses you got, Counsel?

11 MR. WILLIAMS: Two.

12 ADMINISTRATIVE LAW JUDGE FLEMING: All  
13 right. They did double book, so we've got a  
14 hearing that's supposed start at one o'clock.

15 MR. WILLIAMS: I'm supposed to be here  
16 for that --

17 ADMINISTRATIVE LAW JUDGE FLEMING: Well,  
18 no. I don't want to rush everyone through as is  
19 my tendency. Do you want to take a couple  
20 minutes?

21 MR. WILLIAMS: I'm good.

22 MR. DIONNE: City's fine.

23 MS. HAKE: We're good.

24 ADMINISTRATIVE LAW JUDGE FLEMING: Okay.

1 All right. Then let's deal with the affidavit.

2 And Counsel, your objection is based -- is  
3 basically based on hearsay and not having an  
4 opportunity to cross examine -- confront the  
5 witness?

6 MR. WILLIAMS: Correct.

7 ADMINISTRATIVE LAW JUDGE FLEMING: Okay.  
8 Anything else you want to add to that?

9 MR. WILLIAMS: No. [Inaudible] due  
10 process rights [inaudible] testimony of someone  
11 who is not present. They can't be cross  
12 examined.

13 ADMINISTRATIVE LAW JUDGE FLEMING: All  
14 right. City, what's your response?

15 MR. DIONNE: So Judge --

16 ADMINISTRATIVE LAW JUDGE FLEMING: I  
17 understand hearsay, is there anything else.

18 MR. DIONNE: Yes. [Inaudible]  
19 ultimately this goes to weight, then. Just  
20 because the Petitioner is unable to cross examine  
21 this affidavit today that would go to weight that  
22 Your Honor and the Court would give to this  
23 affidavit.

24 Furthermore, Judge, the contents of this

1       affidavit just show to exhibit and give more  
2       context to the fact of the DNC as a National  
3       Secret Service Event. We've already had  
4       witnesses from the city testify that the DNC is  
5       an event. This just helps to color that more and  
6       gives more context to exactly that.

7               As such, Judge, ultimately there has to  
8       be a analysis of whether this is more prejudicial  
9       than probative. The City in balancing that and  
10      looking at it, believes that this not unduly  
11      prejudicial to the Petitioner attorney and ask  
12      that this be admitted into evidence.

13             ADMINISTRATIVE LAW JUDGE FLEMING: Okay.  
14      Anything?

15             MR. WILLIAMS: Your Honor, this --  
16      Counsel said it himself, they are attempting to  
17      give context to the determination, that balancing  
18      that was made in considering the permit  
19      application. Implicitly acknowledging that the  
20      ordinance requires a balancing.

21             And so you can only get context if he  
22      can be cross examined. Because there are  
23      statements in here that I know he has testified  
24      in other proceedings and he has been cross

1 examined. And other information, which provides  
2 context, has come out.

3 And so to allow this in without allowing  
4 the full context would be highly prejudicial.

5 ADMINISTRATIVE LAW JUDGE FLEMING: All  
6 right. I don't think it's prejudicial. You've  
7 reviewed this. This is nothing -- Mr. Spriggs  
8 does not make any opinion as to whether or not  
9 this parade should or should not have been  
10 denied. He stayed away from that.

11 It's not the role of the Secret Service.  
12 And in actuality the testimony from the witnesses  
13 that we have today incorporates what's -- most of  
14 what's in here. So I probably could keep it out  
15 and it wouldn't have much of an impact.

16 Putting it in doesn't have any  
17 particular impact in terms of it. It's nothing  
18 that is substantive. There is nothing in this  
19 affidavit that deals with the two bases for the  
20 denial. There is nothing in the affidavit or  
21 anything that would be allowed if he were going  
22 to be here to testify relative to alternate  
23 routes. So it's allowed in the evidence.

24 MR. WILLIAMS: Judge, can I ask them

1       why, if it's not going to provide anything  
2       additional, it's been covered by other witnesses,  
3       why allow it in?

4               ADMINISTRATIVE LAW JUDGE FLEMING:   Why  
5       allow it, why not allow it in?  It's also  
6       something that's --

7               MR. WILLIAMS:   But I can't cross examine  
8       anything.

9               ADMINISTRATIVE LAW JUDGE FLEMING:   Is  
10       there -- would you -- if you could point out to  
11       me based on the paragraphs that's in the  
12       affidavit, what would need cross examination?

13              MR. WILLIAMS:   The security footprint.

14              ADMINISTRATIVE LAW JUDGE FLEMING:   In  
15       what respect?

16              MR. WILLIAMS:   Understanding what has  
17       been communicated about the security footprint.  
18       And what information that the Chicago Department  
19       of Transportation would have in trying to  
20       establish an alternate route.

21              ADMINISTRATIVE LAW JUDGE FLEMING:   Okay.  
22       It's allowed in evidence for what it's worth.  
23       Okay.  City has rested?

24              MR. DIONNE:   City rests, Judge.



1 ADMINISTRATIVE LAW JUDGE FLEMING: Call  
2 your first witness. Okay, sir. Please raise  
3 your right hand. Do you solemnly swear or affirm  
4 any testimony you give will be the truth?

5 MR. METZ: Yes.

6 ADMINISTRATIVE LAW JUDGE FLEMING: Thank  
7 you.

8

9 DIRECT EXAMINATION

10 BY MR. WILLIAMS:

11 Q. Can you state and spell your name for  
12 the record?

13 A. Yes, it's John W. Metz, J-O-H-N, W,  
14 M-E-T-Z.

15 Q. Are you affiliated with an organization  
16 called the Anti-War Committee of Chicago?

17 A. Yes, I am one of the co-chairs.

18 Q. And I'm going to call it the AWC; is  
19 that okay?

20 A. Yes.

21 Q. You said you were co-chair. I'm going  
22 to show you what's been previously marked  
23 Exhibit -- City Exhibit 3A to C. Do you  
24 recognize this?

1           A.     I do.

2           Q.     And what -- is there a title for your  
3 parade?

4           A.     Yes.   It's March for the People's  
5 Agenda.

6           Q.     Okay.   If you could look at the last  
7 page, is that your signature?

8           A.     Yes, it is.

9           Q.     And you submitted the application for  
10 that; is that correct?

11          A.     I did.

12          Q.     Okay.   Why did you choose to call it a  
13 march in the title?

14          A.     Because we [inaudible].

15          Q.     So your proposed march would be a --  
16 people would be moving throughout the whole time?

17          A.     Yes.   [Inaudible].

18          Q.     Could you summarize what AWC is seeking  
19 in this permit request?

20          A.     Yes.   We are seeking a march that  
21 initially assembled at a public park on Roosevelt  
22 and Ashland.   We would then proceed north.   We  
23 would assemble first at the park here.   From 6:00  
24 to 8:00 we would march on a course from up --

1 north on Ashland to west on Adams and south on  
2 Damen. We're disbanding on Adams [inaudible].

3 Q. Okay. I'm going to show you what was  
4 previously marked as City's Exhibit 4. Is this  
5 an accurate reflection of the route you're  
6 proposing?

7 A. It is.

8 Q. What is the purpose of the march?

9 A. The purpose of the march is to present  
10 a political message. The AWC feels that we are  
11 not pleased with the policies of the Democratic  
12 Party, in particular, President Joe Biden. And  
13 we would like to present our political opinions  
14 within sight and sound of the Democratic National  
15 Convention.

16 Q. Okay. And how do you intend to convey  
17 that message?

18 A. We intend to do so through political  
19 signs as well as chants.

20 ADMINISTRATIVE LAW JUDGE FLEMING: I'm  
21 sorry. As well as what?

22 THE WITNESS: Chants. Political chants.

23

24 BY MR. WILLIAMS:

1           Q.     So you mentioned within sight and sound  
2     of the United Center. Is that why it's important  
3     to be within sight and sound?

4           A.     Yes. In order to make sure that those  
5     in attendance see and hear our message.

6           Q.     And so your political message relates  
7     to a war being conducted outside of the United  
8     States, correct?

9           MR. DIONNE: Objection. Relevance,  
10    leading.

11          ADMINISTRATIVE LAW JUDGE FLEMING: Well,  
12    what's the relevance of the specific political  
13    message? The issue is --

14          MR. WILLIAMS: Who the target audience  
15    is.

16          ADMINISTRATIVE LAW JUDGE FLEMING:  
17    Political message.

18          MR. WILLIAMS: Who the target audience  
19    is.

20          ADMINISTRATIVE LAW JUDGE FLEMING: The  
21    target audience was the -- I thought he testified  
22    to was the people going to the convention.

23          MR. WILLIAMS: Federal officials. You  
24    know, figuring out an alternative, it matters

1       where you are. Because the federal officials who  
2       deal with war will be at the United Center.

3               ADMINISTRATIVE LAW JUDGE FLEMING: Okay.

4       But -- overruled. Let's go ahead.

5               MR. WILLIAMS: All right.

6

7   BY MR. WILLIAMS:

8           Q.     It relates to war, correct?

9           A.     Yes. As an anti-war group, we are  
10       opposed to the ongoing U.S. funded war against  
11       the Palestinian people in Gaza.

12          Q.     Okay. As far you understand it's  
13       federal officials who deal with foreign policy,  
14       correct?

15          A.     Yes. We would be focused on  
16       [inaudible] members of Congress and the  
17       President.

18          Q.     Okay. And those -- because the  
19       President is a Democrat, he'll be at the  
20       Democratic National Convention, correct?

21          A.     That's correct.

22          Q.     And the Democratic members of Congress  
23       will be at the Democratic National Convention,  
24       right?

1           A.     Correct.

2           Q.     And they'll be gathering at the United  
3     Center?

4           A.     That's correct.

5           Q.     Is that why you requested something in  
6     sight and sound of the United Center?

7           A.     Yes.

8           Q.     The route you requested is all on --  
9     only on public streets and sidewalks, correct?

10          A.     That's correct.

11          Q.     You're not asking to go onto the United  
12     Center grounds, correct?

13                 MR. DIONNE:  Objection, Judge.  Leading.  
14     Counsel's testifying.

15                 ADMINISTRATIVE LAW JUDGE FLEMING:  Well,  
16     it's leading, but I mean, again, the exhibits are  
17     in evidence, we know what the route is.  If we  
18     can just kind of move it along.

19                 MR. WILLIAMS:  [Inaudible].

20

21     BY MR. WILLIAMS:

22           Q.     Do you intend to go on the United  
23     Center grounds?

24           A.     We do not.  We understand the security

1 concerns and we want to be within sight and sound  
2 but respect all security precautions.

3 Q. Okay. What are your plans for the  
4 march; do you intend for it to be peaceful,  
5 family-friendly, or violent, loud; how do you  
6 plan on [inaudible]?

7 A. We intend our protest and march to be  
8 peaceful, family-friendly. We are expecting  
9 approximately 1,000 people. The organization  
10 will be utilizing banners [inaudible] and  
11 political signage throughout. [Inaudible]  
12 chants. We will maintain leadership over the  
13 gathering as it moves without stops along the  
14 course, the route.

15 And we will maintain a group of  
16 marshals with neon vests clearly displayed who  
17 will maintain order on the march and coordinate  
18 with public safety officials as needed.

19 And once again, we would intend to  
20 continue [inaudible] same period of time.

21 Q. Okay. Have you organized marches of  
22 this type or size?

23 A. Not -- I have not organized. I have  
24 primarily [inaudible] in a support role.

1           Q.     Okay. Is there anyone else in your  
2           organization who has helped you work on this  
3           march?

4           A.     Yes. My fellow co-chair, Joe Iosbaker,  
5           has extensive experience and is helping to  
6           organize this venture.

7           Q.     Did you get a response from the Chicago  
8           Department of Transportation regarding this  
9           permit?

10          A.     Yes, I did.

11          Q.     And how did they respond?

12          A.     It was a rejection of our proposal  
13          [inaudible].

14          Q.     Okay. I'm going to show you what was  
15          previously marked as Exhibit 5A through C. Do  
16          you recognize this?

17          A.     I do.

18          Q.     Okay. What is it?

19          A.     It's the rejection that we received  
20          from Chicago Department of Transportation.

21          Q.     Okay. If I can direct your attention  
22          to the numbered paragraph 2, the second paragraph  
23          with that number, right down at the bottom  
24          [inaudible]. It says, "Moreover, the proposed



1 parade route winds through the city center on a  
2 day many attendees are expected to arrive and  
3 would create significant traffic concerns and a  
4 depletion of existing police resources  
5 [inaudible] DNC."

6 Are you -- you're requesting a parade on  
7 the last day of the convention, correct?

8 A. That's correct.

9 Q. Okay. Do you expect a large number of  
10 convention attendees to just be arriving on the  
11 last day?

12 MR. DIONNE: Objection. Calls for  
13 speculation, lack of foundation.

14 ADMINISTRATIVE LAW JUDGE FLEMING:  
15 It's -- what Mr. Metz expects is not relevant.  
16 Objection sustained.

17

18 BY MR. WILLIAMS:

19 Q. Does it appear to you that the denial  
20 [inaudible] was not responsive to your specific  
21 request?

22 MR. DIONNE: Objection.

23 ADMINISTRATIVE LAW JUDGE FLEMING:  
24 Sustained.

1

2 BY MR. WILLIAMS:

3

Q. The Chicago Department of  
Transportation offered an alternate parade route  
assembling at the corner of Roosevelt Road and  
South Columbus Drive to Grant Park at 5:00 p.m.,  
stepping off at 6:00 p.m., proceeding northbound  
on Columbus Drive and ending no later than 8:00  
p.m., disbanding at Jackson Boulevard; is that  
correct?

10

11 A. That's correct.

12

Q. Okay. Let me show you what was  
previously marked City's Exhibit 6. Does this,  
and it's in blue, do you see the route marked on  
this map?

15

16 A. I do.

17

Q. Okay. Is this alternate route  
acceptable to your organization for purpose of  
[inaudible] message?

19

20 A. It is not.

21

Q. That's why you appealed, isn't it?

22

A. That's right.

23

Q. What's wrong with that route?

24

A. First and foremost, it's three or more

1 miles away from the United Center, which would  
2 mean that the delegates in attendance, in  
3 particular the President, would not be within  
4 sight and sound of our protest and our political  
5 message. [Inaudible] or see any of it.

6 Secondly, the location is on a  
7 tree-lined street, on Columbus Drive, which would  
8 be [inaudible] see us would be even locations  
9 close to Michigan Avenue.

10 And finally, given the fact that there  
11 will be a march at that location, Columbus Drive  
12 would presumably be closed, which [inaudible].

13 Q. So you believe your protest would not  
14 be visible to very many people?

15 A. That's correct.

16 Q. And certainly it wouldn't be visible to  
17 anybody at the United Center?

18 A. Absolutely.

19 Q. Did anyone from the Chicago Department  
20 of Transportation talk to you about how they came  
21 up with this proposed route, alternate route?

22 A. No.

23 Q. Did anyone give you -- from Chicago  
24 Department of Transportation give you an

1 opportunity to discuss alternative routes?

2 A. They did not.

3 Q. Did they give you the possibility of  
4 discussing using part of streets rather than  
5 shutting the entirety of those streets that you  
6 requested?

7 MR. DIONNE: Objection. Relevance.

8 ADMINISTRATIVE LAW JUDGE FLEMING:  
9 Overruled.

10 THE WITNESS: They did not.

11

12 BY MR. WILLIAMS:

13 Q. Okay. Is it fair to -- did anyone from  
14 the Chicago Department of Transportation tell you  
15 they considered other alternatives?

16 A. None -- that was not communicated to  
17 us.

18 Q. So the only communication you got from  
19 the Chicago Department of Transportation was the  
20 rejection letter; is that correct?

21 A. That's correct.

22 Q. Okay. Is it fair to say that Chicago  
23 Department of Transportation presented the  
24 alternate route on Columbus Drive as a

1 take-it-or-leave-it proposal?

2 MR. DIONNE: Objection. Argumentative.

3 ADMINISTRATIVE LAW JUDGE FLEMING:

4 Sustained.

5

6 BY MR. WILLIAMS:

7 Q. Do you believe you have other  
8 alternatives for your parade on that day based on  
9 the letter from Chicago Department of  
10 Transportation?

11 A. Not from the communications we  
12 received.

13 Q. Have you received any other  
14 communication from the Chicago Department of  
15 Transportation or any City agency that might lead  
16 you to believe you might have an alternative?

17 A. No.

18 Q. Why do you think Chicago Department of  
19 Transportation proposed this route as an  
20 alternative?

21 MR. DIONNE: Objection. Calls for  
22 speculation.

23 ADMINISTRATIVE LAW JUDGE FLEMING:

24 Sustained.

1 MR. WILLIAMS: It's what he believes.

2 ADMINISTRATIVE LAW JUDGE FLEMING: It's  
3 irrelevant to me what he believes.

4

5 BY MR. WILLIAMS:

6 Q. Would you have been open to discussing  
7 alternatives with the Chicago Department of  
8 Transportation?

9 MR. DIONNE: Objection. Relevance.

10 ADMINISTRATIVE LAW JUDGE FLEMING:  
11 Sustained.

12 MR. WILLIAMS: Judge, the ordinance  
13 requires --

14 ADMINISTRATIVE LAW JUDGE FLEMING: Where  
15 in the ordinance does it require that the  
16 applicant meet with the Department of  
17 Transportation?

18 MR. WILLIAMS: It requires an  
19 investigation in Section (f) and requires that,  
20 to the extent practicable, authorize an event  
21 that would have comparable public visibility  
22 similar to that [inaudible].

23 ADMINISTRATIVE LAW JUDGE FLEMING: It  
24 doesn't have anything in there that says that

1       it's incumbent upon the Department of  
2       Transportation, Mr. Gallardo, to reach out to an  
3       applicant for a parade permit that has been  
4       denied to discuss alternate routes. It just  
5       doesn't.

6               MR. WILLIAMS: I respectfully disagree  
7       that if it requires --

8               ADMINISTRATIVE LAW JUDGE FLEMING: Well,  
9       read to me -- read to me the section where it  
10      says upon a denial, it is incumbent upon the  
11      Department of Transportation to meet with the  
12      parade applicant to discuss possible alternative  
13      routes.

14              MR. WILLIAMS: It requires the  
15      department to --

16              ADMINISTRATIVE LAW JUDGE FLEMING:  
17      Investigate.

18              MR. WILLIAMS: -- propose a comparable  
19      public -- with comparable public visibility as  
20      similar route, location, and date.

21              ADMINISTRATIVE LAW JUDGE FLEMING: But  
22      it -- we can repeat it ourselves as much as we  
23      want. There's nothing in there that requires  
24      them to do so after a meeting with the applicant

1       who has been denied.

2               MR. WILLIAMS: There was no meeting with  
3       the -- there's no testimony that there was  
4       meeting with the applicant.

5               ADMINISTRATIVE LAW JUDGE FLEMING: I'm  
6       saying, you're suggesting that it was incumbent  
7       upon the Department of Transportation to meet  
8       with Mr. Metz and his co-chair to discuss  
9       proposed alternate routes. And I am saying to  
10      you that that is not set forth in the ordinance.

11              MR. WILLIAMS: No, it's not. But I am  
12      saying that the ordinance requires finding an  
13      alternative that -- with comparable visibility,  
14      similar date, time, and location. Right? That  
15      requirement is what's at issue here.

16              ADMINISTRATIVE LAW JUDGE FLEMING: And  
17      Mr. Metz has testified that in his opinion, this  
18      proposed alternate route does not comport with  
19      the ordinance. He's testified to that. That  
20      becomes the question of fact.

21              But what I'm saying is that you seem to  
22      be suggesting that Mr. Gallardo had an obligation  
23      to reach out to Mr. Metz or his co-chair or both  
24      to discuss possible alternate routes.



1                   MR. WILLIAMS: I am not suggesting  
2                   anything specific that he had to do. But that he  
3                   did have to take into consideration an alternate  
4                   route with comparable public visibility, similar  
5                   route, location, and date. That's in the  
6                   ordinance.

7                   ADMINISTRATIVE LAW JUDGE FLEMING:  
8                   And --

9                   MR. WILLIAMS: Whether he met is a  
10                  factual matter that goes to how much  
11                  consideration he gave to alternate routes.

12                 ADMINISTRATIVE LAW JUDGE FLEMING: We  
13                  can move on. We're talking about the same thing  
14                  in terms of it. It's a question of fact as to  
15                  whether or not the Department of Transportation  
16                  complied with the ordinance with respect to the  
17                  alternate route.

18                 MR. WILLIAMS: Very well.

19

20                 BY MR. WILLIAMS:

21                 Q.       Is it your understanding that there's  
22                  going to be a secure perimeter around the United  
23                  Center during the convention?

24                 A.       That's my understanding.

1 Q. Like fencing?

2 A. Yes.

3 Q. Okay. You're not suggesting that you  
4 should be allowed to conduct a parade or march  
5 inside of that fencing, are you?

6 A. No.

7 Q. Do you know where that fencing is going  
8 to extend on the south side of the United Center?

9 A. Not to my knowledge.

10 Q. Okay. You requested to go west on  
11 Adams, correct?

12 A. We did.

13 Q. And why did you request to go west on  
14 Adams?

15 A. We wanted to follow the flow of traffic  
16 to avoid unnecessary disruptions and we felt that  
17 location just shy -- two blocks south of the  
18 United Center would be sufficiently distant to  
19 avoid any sort of [inaudible] restrictions.

20 Q. So when you say you wanted to not  
21 disrupt traffic, you weren't contemplating that  
22 the entirety of that would be shut down; is that  
23 correct?

24 A. That's correct.

1           Q.     Is that true of Ashland? You wouldn't  
2     expect the entirety of Ashland to be shut down?

3           A.     No. We would expect just a portion  
4     [inaudible] portions during [inaudible].

5           Q.     So on your application you expected  
6     traffic to still flow on Ashland?

7           A.     Yes.

8           Q.     And is that true on Damen?

9           A.     Yes.

10          Q.     And true on Roosevelt?

11          A.     Yes.

12          Q.     If you found out that the secure  
13     perimeter, the fencing, extended to Adams Street,  
14     would you have understood why you couldn't march  
15     on Adams?

16                 MR. DIONNE: Objection. Improper  
17     hypothetical.

18                 ADMINISTRATIVE LAW JUDGE FLEMING: It's  
19     sustained.

20                 MR. WILLIAMS: If it goes to comparable,  
21     it goes to whether there are alternatives.

22                 ADMINISTRATIVE LAW JUDGE FLEMING: The  
23     objection is sustained. And move on.

24

1 BY MR. WILLIAMS:

2 Q. I'm going to show you what's previously  
3 marked as City's Exhibit 1. You can see it's  
4 labeled Columbus Drive Overhead View. Do you  
5 recognize that area?

6 A. Yes.

7 Q. Do you know this to be the area that  
8 the City is proposing as an alternate route?

9 A. I do.

10 Q. What are your concerns about visibility  
11 there?

12 A. Our concerns about visibility is that  
13 on the one side you have the lake, so that's  
14 obvious no buildings, no area where the public  
15 would be present. And the other side we'd have a  
16 lot of trees lining the roadway. [Inaudible]  
17 Michigan Avenue, so a number of high rise  
18 buildings, including hotels and businesses so  
19 that visibility would be very limited.

20 Q. And there are trees on both sides of  
21 the street, correct?

22 A. That's correct.

23 Q. How you ever been there?

24 A. I have.

1 Q. Do you know how tall those trees are?

2 MR. DIONNE: Objection as to relevance.

3 ADMINISTRATIVE LAW JUDGE FLEMING:

4 Overruled.

5 THE WITNESS: I couldn't say, but  
6 they're large trees.

7

8 BY MR. WILLIAMS:

9 Q. Is it fair to say they're taller than a  
10 human being?

11 A. Yes.

12 Q. Okay. Taller than human being holding  
13 a sign?

14 A. Yes.

15 Q. So is it fair to say the trees would  
16 block any signs from people that were there on  
17 Columbus Drive?

18 MR. DIONNE: Objection.

19 ADMINISTRATIVE LAW JUDGE FLEMING:

20 Overruled.

21 THE WITNESS: They would.

22 MR. WILLIAMS: I don't have anything  
23 further, Your Honor.

24 ADMINISTRATIVE LAW JUDGE FLEMING: All

1 right. Are you ready with cross or you need a  
2 moment?

3 MR. SPAHR: One moment.

4 ADMINISTRATIVE LAW JUDGE FLEMING: Take  
5 your time.

6

7 CROSS EXAMINATION

8 BY MR. DIONNE:

9 Q. Mr. Metz, you mentioned that this is  
10 going to be a safe and family-friendly event,  
11 correct?

12 A. Correct.

13 Q. But your protest does have -- or your  
14 parade does have a political message?

15 A. That's correct.

16 Q. And you're aware that there may be  
17 counter protesters?

18 A. That's a possibility.

19 Q. And you mentioned that you will have  
20 marshals present for your parade?

21 A. Yes.

22 Q. And they'll have vests?

23 A. Yes.

24 Q. But these marshals do not have any

1       policing power, do they?

2           A.       No.

3           MR. DIONNE:  Nothing further, Judge.

4           ADMINISTRATIVE LAW JUDGE FLEMING:

5       Anything on that?

6           MR. WILLIAMS:  No.  Nothing.

7           ADMINISTRATIVE LAW JUDGE FLEMING:  Okay.

8       Let's -- I'll be followed by you guys, you know.

9       Whatever you want to do.

10          MR. DIONNE:  I don't need a break --

11          ADMINISTRATIVE LAW JUDGE FLEMING:  Okay.

12       Are we ready?

13          MR. DIONNE:  Yes, Judge.  One moment, my  
14       co-counsel is making some photocopies.  But the  
15       City would like to recall Mr. Metz for a few  
16       additional questions on cross examination.

17          MR. WILLIAMS:  They had the opportunity,  
18       Judge.  He was here, [inaudible] they crossed  
19       him.

20          ADMINISTRATIVE LAW JUDGE FLEMING:  Yeah,  
21       they did, but you know.  I'll allow it.

22          MR. DIONNE:  Oh, sorry.  Yes, Judge, if  
23       Mr. Iosbaker can step out.

24          ADMINISTRATIVE LAW JUDGE FLEMING:  Yeah,

1       you've gotta switch with the witness.

2                   MR. WILLIAMS: I'm not going to call Mr.  
3       Iosbaker.

4                   ADMINISTRATIVE LAW JUDGE FLEMING: Oh,  
5       okay.

6                   MR. WILLIAMS: I think we got what we  
7       needed from Mr. Metz.

8                   ADMINISTRATIVE LAW JUDGE FLEMING: Okay.  
9       Do you need the exhibits?

10                  MR. DIONNE: Yes, Judge. We're waiting  
11       for Mr. Spahr to come back. One moment.

12                  ADMINISTRATIVE LAW JUDGE FLEMING: Okay.  
13       That's fine. Here he comes.

14

15                               RE CROSS EXAMINATION

16       BY MR. DIONNE:

17               Q.     Mr. Metz, it's your testimony that you  
18       previously gave that you were the individual who  
19       filled out the application submitted on February  
20       29, 2024, correct?

21               A.     Yes.

22               Q.     And on Page 3, your signature appears,  
23       John Metz?

24               A.     That's correct.



1           Q.     And that was dated on February 24,  
2     2024?

3           A.     Correct.

4           Q.     And on direct examination, you  
5     previously said that you met with Mr. Iosbaker  
6     before submitting this application?

7           A.     I did not say that.

8                     MR. WILLIAMS:  Objection.

9     Mischaracterizes [inaudible].

10                    ADMINISTRATIVE LAW JUDGE FLEMING:  Yeah,  
11     rephrase that.

12

13     BY MR. DIONNE:

14           Q.     Did you meet with Mr. Iosbaker prior to  
15     submitting this application?

16           A.     Mr. Iosbaker?

17           Q.     Yes.

18           A.     Yes, we did --

19                    MR. WILLIAMS:  I'm going to object.  Did  
20     they meet at all, ever in this life?

21                    ADMINISTRATIVE LAW JUDGE FLEMING:  Yeah.  
22     I'm assuming he's referring to this, but tighten  
23     it up, Mr. Dionne.

24                    MR. DIONNE:  Okay.

1

2 BY MR. DIONNE:

3 Q. Mr. Metz, what, exactly, is Mr.  
4 Iosbaker's relation to March on the People's  
5 Agenda?

6 A. He is a fellow co-chair of the Anti-War  
7 Committee and thus is [inaudible] process  
8 [inaudible].

9 Q. So he's part of the organization for  
10 the march -- for this march application.

11 MR. WILLIAMS: I'm going to object.  
12 Counsel is mischaracterizing the testimony.

13 ADMINISTRATIVE LAW JUDGE FLEMING: First  
14 of all, I guess, I would -- Mr. Iosbaker's name,  
15 how do we spell that, so we have that right.

16 MR. WILLIAMS: I-O-S-B-A-K-E-R.

17 ADMINISTRATIVE LAW JUDGE FLEMING:  
18 I-O-S?

19 MR. WILLIAMS: Pronounced Osbaker  
20 [phonetic]. That's I-O-S, baker.

21

22 BY MR. DIONNE:

23 Q. Mr. Metz, on direct examination you  
24 stated that you consulted with Mr. Iosbaker

1 before submitting this application, did you not?

2 MR. WILLIAMS: I'm going to object. He  
3 did not -- mischaracterize the testimony.

4 ADMINISTRATIVE LAW JUDGE FLEMING: Well,  
5 I'll let him answer the question because if he  
6 did say it that wasn't something that I was --

7 MR. WILLIAMS: But I go on the record  
8 that he testified --

9 ADMINISTRATIVE LAW JUDGE FLEMING: No.  
10 Just go back and ask him if he met with him.

11

12 BY MR. DIONNE:

13 Q. Okay. Before submitting this  
14 application, all right? Did you meet with the  
15 co-chair of your organization, Mr. Iosbaker?

16 MR. WILLIAMS: And I'm going object  
17 again, meet about what and when? Are we -- is  
18 there any [inaudible].

19 ADMINISTRATIVE LAW JUDGE FLEMING: Well,  
20 why don't you ask -- I'm assuming we're dealing  
21 with the applications.

22 MR. DIONNE: We are.

23 ADMINISTRATIVE LAW JUDGE FLEMING: Did  
24 he meet and discuss the application?

1

2 BY MR. DIONNE:

3 Q. Did you meet with Mr. Iosbaker and  
4 discuss this application prior to submitting it?

5 A. We did.

6 Q. And then you submitted the application?

7 A. I did not say that.

8 Q. You submitted this application, right?

9 A. Are you saying delivering the  
10 application?

11 Q. Your signature is on Page 3 of this  
12 application that was received on 2-29-24,  
13 correct?

14 A. Yes.

15 Q. Okay. Are you familiar with the  
16 organization March on the DNC 2024?

17 A. I am.

18 Q. And how are you familiar with that  
19 organization?

20 A. Our organization, the Anti-War  
21 Committee is a co-sponsor of it.

22 Q. What, exactly, does co-sponsor mean?

23 A. It means that we are one of the groups  
24 that was active in organizing on its behalf.

1           Q.     So you're working with that  
2     organization as well?

3                   MR. WILLIAMS: I'm going to object to  
4     the characterization.

5                   ADMINISTRATIVE LAW JUDGE FLEMING:  
6     Overruled.

7

8     BY MR. DIONNE:

9           Q.     Are you working with that organization  
10    as well?

11          A.     Yes.

12          Q.     As part of parade permit applications?

13          A.     I don't understand the question.

14          Q.     Are you both submitting parade permit  
15    applications during the DNC event in Chicago?

16                   MR. WILLIAMS: Object. Who's both? Are  
17    you talking about Mr. Metz, personally?

18                   ADMINISTRATIVE LAW JUDGE FLEMING: Well,  
19    I'll sustain the objection as it's -- from here.  
20    Are we -- we're running around in circles. Are  
21    we dealing with the concept of a duplicate parade  
22    application?

23                   MR. DIONNE: That's exactly what's at  
24    issue here today, Judge. That this -- our belief

1       and through this line of questions to try to  
2       prove up that these applicants are just using  
3       different proxies to submit substantially similar  
4       applications to parade on similar dates and  
5       similar locations for similar agendas, Judge.

6               They're just using different names and  
7       they all are related somehow together.

8               ADMINISTRATIVE LAW JUDGE FLEMING:   Okay.  
9       Now, I understand the concept, but bear with me  
10      because I didn't really go through the specifics  
11      of the ordinance with respect to this particular  
12      argument.

13              But how do we address this, assuming we  
14      can address this, procedurally, when that basis  
15      was not alleged as a basis for the denial?

16              MR. DIONNE:   If I may, Judge?

17              ADMINISTRATIVE LAW JUDGE FLEMING:   No,  
18      that's fine.   I mean -- [inaudible] as I said,  
19      you can --

20              MS. HAKE:   Judge, may I speak for the  
21      record?

22              ADMINISTRATIVE LAW JUDGE FLEMING:   Yeah.

23              MS. HAKE:   Okay.

24              ADMINISTRATIVE LAW JUDGE FLEMING:   I

1 mean, this is -- if it was coming in --

2 MS. HAKE: Yeah, absolutely.

3 ADMINISTRATIVE LAW JUDGE FLEMING: -- to  
4 do cross examination, I wouldn't say this --

5 MS. HAKE: Yeah.

6 ADMINISTRATIVE LAW JUDGE FLEMING: --  
7 but I'm trying to get my hands about this --

8 MS. HAKE: Yeah.

9 ADMINISTRATIVE LAW JUDGE FLEMING:  
10 Because this has come as a -- you know --

11 MR. WILLIAMS: Why [inaudible] after  
12 they rested and --

13 ADMINISTRATIVE LAW JUDGE FLEMING: Well,  
14 that's --

15 MR. WILLIAMS: They finished cross  
16 examination.

17 ADMINISTRATIVE LAW JUDGE FLEMING: --  
18 Counsel, that's --

19 MR. WILLIAMS: I just want an objection  
20 for the record.

21 ADMINISTRATIVE LAW JUDGE FLEMING: No,  
22 you have your objection.

23 MR. WILLIAMS: They finished cross  
24 examination. They rested. They are now

1       trying -- they did not deny based on that and  
2       they are now trying to down a whole different  
3       line.

4               ADMINISTRATIVE LAW JUDGE FLEMING: I --

5               MR. WILLIAMS: Without any -- any  
6       notification or anything other than just coming  
7       here today.

8               MS. HAKE: I don't think there's --

9               ADMINISTRATIVE LAW JUDGE FLEMING: I  
10      understand --

11              MS. HAKE: May I speak?

12              ADMINISTRATIVE LAW JUDGE FLEMING: --  
13      concern. I have a concern, too. That's why I'm  
14      allowing the state to address as well as --

15              MS. HAKE: Deputy Corporation Counsel  
16      Christine Hake for the record. I don't think no  
17      notice needs to be given to the defense because  
18      they're fully aware what they're doing. The City  
19      upon the direct examination --

20              MR. WILLIAMS: Judge, I'm going to  
21      object to that. They fully know what we're  
22      doing? What are we doing?

23              MS. HAKE: Well, I'd like to explain  
24      that without the gallery laughing.



1 ADMINISTRATIVE LAW JUDGE FLEMING: Okay.

2 MS. HAKE: Okay. So Judge, on his  
3 testimony, we were listening. The City is not  
4 trying to surprise anybody. We just came to this  
5 realization as Mr. Metz was testifying truthfully  
6 that he was the one to submit the parade  
7 application.

8 But he did say that he definitely  
9 communicated with somebody that had a lot of  
10 relevant experience in this matter, which is  
11 Mr. Iosbaker. After he said --

12 MR. WILLIAMS: [Inaudible].

13 MS. HAKE: -- he was one of the  
14 co-chairs of this committee, we went back and  
15 reviewed the prior permit applications that were  
16 denied. Mr. Iosbaker, and we were going to  
17 introduce this into evidence --

18 MR. WILLIAMS: Oh, and Mr. Iosbaker  
19 [inaudible] --

20 MS. HAKE: Oh, Iosbaker, I'm sorry.

21 ADMINISTRATIVE LAW JUDGE FLEMING: All  
22 right. I have --

23 MS. HAKE: Okay.

24 ADMINISTRATIVE LAW JUDGE FLEMING: --

1       difficulty at times, too. [Inaudible]. Unless  
2       you're an O'Brien or O'Reilly, I sometimes get my  
3       tongue tied.

4               MS. HAKE: Okay. Mr. Iosbaker submitted  
5       on February 7, 2024, as a labor co-chair for the  
6       March on the DNC applications a parade appeal,  
7       okay? We dealt with these parade appeals  
8       previously, where Mr. Iosbaker testified. So  
9       that's how we recognized him. And then we went  
10      back and looked at the parade permits.

11             Now, these parade permits were  
12      admittedly signed by different individuals, but  
13      if you take a look at it, it's the same amount of  
14      people, it's the same date and it's a very  
15      similar route. And we have just discovered this  
16      as the line of questioning occurred with --  
17      through his witness and the next witness they're  
18      about to be [inaudible] to call.

19             So I think it's very valid and fair that  
20      we are allowed to bring up these points at this  
21      time in the hearing. We can recall him and  
22      cross. We didn't -- we rested, but we did find  
23      out this information now.

24             And I think we have the ability to cross

1       examine these witnesses pursuant to that section  
2       of the ordinance properly.

3               ADMINISTRATIVE LAW JUDGE FLEMING:

4       Well --

5               MR. WILLIAMS:   Judge, if I may?

6               MS. HAKE:   He -- it -- we also have any  
7       opportunity to call adverse witnesses in our  
8       rebuttal, too.   So at this point, Judge, I think  
9       this is a completely fair line of questioning.

10              Because the ordinance is specific that  
11      they're not supposed to be submitting parade  
12      route after parade route and this is what they're  
13      doing.   And that is unfair to city resources.

14              We're dragging, you know, head of CDOT  
15      down here.   We're preparing for these hearings,  
16      we're taking them very seriously and we expect  
17      that these applicants will read the ordinance and  
18      follow it.

19              ADMINISTRATIVE LAW JUDGE FLEMING:   All  
20      right.   First of all, I guess you ought to give  
21      Counsel a copy of the documents and give me a  
22      copy of the documents.

23              MS. HAKE:   Yes, Judge.

24              ADMINISTRATIVE LAW JUDGE FLEMING:   And

1       then I've got to see if I have the entire  
2       ordinance.

3               MR. DIONNE: Judge, I have a printout of  
4       where the ordinance [inaudible].

5               ADMINISTRATIVE LAW JUDGE FLEMING: Okay.  
6       What section are we specifically --

7               MS. HAKE: I believe it's (d), Your  
8       Honor.

9               MR. SPAHR: It's (d) (2).

10              ADMINISTRATIVE LAW JUDGE FLEMING: Well,  
11       let me ask this. What's the status on the March  
12       on the DNC?

13              MS. HAKE: Those were denied, Judge. We  
14       had a hearing in front of Judge Lombardo. They  
15       were denied. Basically under (d), that was a  
16       duplicate application. We would submit that we  
17       ask questions or even a call in our rebuttal as  
18       an adverse witness, Mr. Metz. Mr. Iosbaker is  
19       here as well.

20              We think that this is, indeed, a  
21       duplicate application. There are some  
22       ramifications that if they are submitting a  
23       third -- triplicate application, I guess you  
24       could say. The possibility of going further with

1       this in another court of jurisdiction as you  
2       talked about.

3               The City has rights under the ordinance  
4       as well. And therefore, we're asking to be fully  
5       heard on this matter.

6               ADMINISTRATIVE LAW JUDGE FLEMING: Well,  
7       do you need to speak with anyone? With your  
8       clients --

9               MR. WILLIAMS: Yeah, I need -- I mean,  
10       first of all, Judge, this is the Democratic  
11       National Convention. There are a lot of groups  
12       that are going to be protesting. It's as if  
13       saying if the Teamsters showed up to support UAW,  
14       that they would be holding a duplicate protest  
15       that they later did their own protest, protesting  
16       tariffs.

17               To have -- to allege that different  
18       organizations, different individuals signing  
19       documents and submitting a request for a parade,  
20       at different times, is duplicative is absurd.

21               So I -- you know, they've rested. This  
22       is -- this was the case. We're here on this  
23       case, this is the first I'm seeing of these other  
24       applications. You know, a quick glance. I don't

1 know about you but I don't see the duplicative  
2 nature of these.

3 I see different applicants, different  
4 signatures --

5 ADMINISTRATIVE LAW JUDGE FLEMING: Well,  
6 that's what I'm saying. So let's take a minute,  
7 speak with your clients. I think that --

8 MR. DIONNE: Judge, if I could just  
9 respond to Counsel's assertion here. I mean, in  
10 the previous appeal now, it's signed and  
11 submitted by Joe Iosbaker. I apologize for  
12 mispronouncing that.

13 MR. WILLIAMS: Osbaker [phonetic].

14 MR. DIONNE: I'm sorry.

15 ADMINISTRATIVE LAW JUDGE FLEMING: It's  
16 signed by Mr. Iosbaker in his role there. And he  
17 clearly has a role in this case because he's been  
18 described as the co-chairman. I mean, that's --  
19 that's not in dispute, okay?

20 The question that is in my head, like I  
21 say, is dealing with the concept of notice. So  
22 let me do this. Take a few minutes, I'll take a  
23 few minutes myself and try and see how we get our  
24 hands about it.

1                   And maybe while Mr. Dionne is doing --  
2           Mr. Spahr is doing this -- to get ahead of  
3           ourselves because one starting at one o'clock,  
4           look and see if we're going to be dealing with  
5           the same issue?

6                   MS. HAKE:   Yes.

7                   MR. DIONNE:   Yes, Judge.

8                   ADMINISTRATIVE LAW JUDGE FLEMING:   If at  
9           all possible, okay?  So give me a minute to  
10          see --

11                  MR. WILLIAMS:   Judge, if I may.  I think  
12          at a minimum they would have to submit another  
13          rejection.  They would have to do that to deny  
14          this one and they'd have to have to submit  
15          another rejection.

16                  MS. HAKE:   No.  No.

17                  MR. WILLIAMS:   So we would have notice  
18          to be able to prepare for it.

19                  ADMINISTRATIVE LAW JUDGE FLEMING:  
20          Well --

21                  MR. WILLIAMS:   You're asking me to go  
22          out in the hallway and do something I have no  
23          idea what I'm going to do.

24                  ADMINISTRATIVE LAW JUDGE FLEMING:   I --

1 I -- you know, I am asking you -- I asked if you  
2 needed something and you kind of said yes.  
3 That's why I'm doing it. I understand the spot  
4 you're in. I understand the spot I'm in at this  
5 point, too. And I'm trying to figure out the  
6 proper way of doing this.

7 Now, the ordinance does not have a  
8 provision assuming it was done earlier. It  
9 doesn't have a provision telling me how you would  
10 amend a denial letter within the period of time.

11 In one of the previous cases, we had a  
12 situation where the applicant filed an amendment  
13 to the application and it happened before we got  
14 to this. So let me just try and get my hands  
15 around this, okay.

16 MR. WILLIAMS: Okay. But I just would  
17 point, they kept me very -- on a very tight leash  
18 about what the denial letter said.

19 ADMINISTRATIVE LAW JUDGE FLEMING: I  
20 understand exactly.

21 MR. WILLIAMS: Okay. Thank you. I just  
22 to be heard.

23 ADMINISTRATIVE LAW JUDGE FLEMING: And  
24 you certainly will be heard in terms of this. I



1 hate to throw this out to broach this. And you  
2 guys can discuss as attorneys. Do we need to  
3 continue this so this can be looked at?

4 And the reason I say that is I've got 48  
5 hours at the conclusion of the hearing to get a  
6 report there. And in -- you know, if it's  
7 something that needs to be looked at, maybe  
8 that's the best situation of doing it.

9 I'm not trying to continue it. I don't  
10 look to do that with relish, but I'm trying to  
11 figure out the best way of potentially, you know,  
12 putting this stuff together on it so.

13 MR. WILLIAMS: I appreciate the spot  
14 you're in as well.

15 ADMINISTRATIVE LAW JUDGE FLEMING: And  
16 you know, again, we'll get to the bottom of it as  
17 best we can.

18 MS. HAKE: Judge, if you can give us  
19 about like 15 to 20 minutes. We'll take a look,  
20 we'll see what [inaudible].

21 ADMINISTRATIVE LAW JUDGE FLEMING: Look  
22 and see what needs to be done. And like I say,  
23 we'll -- I've got to look at it too.

24

1 (A SHORT RECESS WAS TAKEN.)

2

3 ADMINISTRATIVE LAW JUDGE FLEMING:

4 24PA000004. Parties had an opportunity to discuss  
5 certain matters relative to this. I'm about to be  
6 presented with a City Exhibit.

7 MS. HAKE: Yes, Judge, for the record,  
8 Deputy Corporation Counsel Christine Hake. Thank  
9 you and the Court and Counsel for allowing us to  
10 have some time. We're now marking City's Exhibit  
11 7A through 7E. And we seek to admit this into  
12 evidence at this time based on the testimony  
13 previously of Mr. Metz and his direct.

14 City's Exhibit 7A for the record  
15 purposes names a Joe Iosbaker, a labor committee  
16 co-chair for the Chicago Alliance Against Racist  
17 and Political Oppression. The letter is dated  
18 February 7, 2024, and directed to the Department of  
19 Administrative Hearings.

20 It was a appeal for what is attached to  
21 City's Exhibit B, an application for request for a  
22 parade on August 19, 2024, submitted by Kobi,  
23 K-O-B-I, Guillory, G-U-I-L-L-O-R-Y.

24 It also references City's Exhibit 7E,

1     which is another application. And that request for  
2     that date of the parade is August 22, 2024. And  
3     that, again, is submitted by Kobi Guillory.

4                     MR. WILLIAMS: [Inaudible].

5                     MS. HAKE: Judge, may I approach?

6                     ADMINISTRATIVE LAW JUDGE FLEMING:

7     Sure.

8                     MS. HAKE: At this time, Your Honor,  
9     after discussing with Counsel, we'd seek to make an  
10    offer of proof on this that Joe Iosbaker, based on  
11    Mr. Metz's testimony, was involved in the planning  
12    and application for the parade permit submitted as  
13    City's Exhibit 3A.

14                    That we would ask that Your Honor take  
15    into consideration that testimony that Mr. Iosbaker  
16    has been involved with duplicate applications for  
17    parade permits, that they're substantially similar.  
18    We'd ask that that be a third basis for a denial,  
19    even though not included in the City's letter on  
20    March 7, 2024, which is marked as City's  
21    Exhibit 5A.

22                    Under 10-8-330 of the City of Chicago's  
23    ordinance, which states, (d)(2), "No person or  
24    organization may submit an application on behalf of

1 another person or entity that is also filing a  
2 parade application." And that would be our offer  
3 of proof.

4 ADMINISTRATIVE LAW JUDGE FLEMING:  
5 Okay. Anything you wanted to add at this point? I  
6 know you're --

7 MR. WILLIAMS: Yes, so nothing about  
8 these other applications or about duplications,  
9 duplicative, or Section (d) of the ordinance was  
10 included in the denial letter. And it's not before  
11 this Court, before this tribunal.

12 And so I'm going to object to  
13 everything they offer proof and the document that  
14 was just submitted -- sought to be submitted into  
15 evidence, they are not relevant to the case before  
16 us today.

17 ADMINISTRATIVE LAW JUDGE FLEMING: All  
18 right. The way I read the ordinance, it does  
19 require that the notice list the bases for denial.  
20 Now, I'm not suggesting that the City was dilatory  
21 or that the City intentionally was trying to throw  
22 a last minute curve ball or anything like that.

23 But I feel that the ordinance is pretty  
24 clear on that. So I am not going to consider or

1 allow a third basis for denial since the duplicate  
2 application basis for denial was not in the notice.

3 The exhibit will be allowed in and the  
4 offer of proof will be allowed into the record, not  
5 as evidence in this case, but in the event this  
6 matter ends up on appeal, it establishes the basis  
7 for the City's making their request that the third  
8 basis be included in the record.

9 And I think I -- again, I think I have  
10 to be consistent in the way I approach it. I -- my  
11 brother was a Circuit Court Judge for 23 years and  
12 he has always told me that he was elected and he  
13 was allowed to wear a black dress. And I was not.  
14 So that I don't have authority that a Circuit Court  
15 Judge may or may not have had if they were dealing  
16 with this particular issue.

17 We don't follow the Code of Civil  
18 Procedure, we don't have amendments and pleadings  
19 and the like. So that will be it and I think that  
20 covers and protects the City's right to keep that  
21 argument going in the event it's necessary.

22 MS. HAKE: And thank you, Your Honor.  
23 I apologize, I didn't add this into my first offer  
24 of proof. That the City was made aware of this

1 issue upon today's date during Mr. Metz's direct  
2 testimony.

3 ADMINISTRATIVE LAW JUDGE FLEMING:

4 Yeah. Because that's in the record from this  
5 morning.

6 MS. HAKE: Thank you.

7 ADMINISTRATIVE LAW JUDGE FLEMING: And  
8 that's why I was putting in there that I was not  
9 suggesting in any way that it was some sort of  
10 curve ball --

11 MS. HAKE: Appreciate it.

12 ADMINISTRATIVE LAW JUDGE FLEMING: --  
13 or some last minute Hail Mary pass to throw  
14 something in. It was clear that this was something  
15 that came up based upon the testimony.

16 MS. HAKE: Thank you, Your Honor.

17 ADMINISTRATIVE LAW JUDGE FLEMING:

18 Okay. Are we at that point, both sides are --

19 MR. WILLIAMS: I do just want to --

20 ADMINISTRATIVE LAW JUDGE FLEMING: No,  
21 go ahead.

22 MR. WILLIAMS: -- add to my objection  
23 that the only basis they're suggesting is that  
24 there was testimony that Mr. Iosbaker is a member

1 of the Anti-War Committee and consulted with Mr.  
2 Metz on helping to organize the parade.

3 ADMINISTRATIVE LAW JUDGE FLEMING:

4 Yeah. Again, I -- nothing I say should suggest  
5 that I was insinuating that either side would be  
6 successful with that argument. It's an argument  
7 that's made. I just don't feel it's necessary at  
8 this point with the way I'm going to rule in terms  
9 of getting into that to have any detailed testimony  
10 in the record on it.

11 Again, if a reviewing court wants the  
12 issue to be examined, then they can send it back  
13 and direct us to examine it at that point.

14 MR. WILLIAMS: Just wanted to get it in  
15 the record.

16 ADMINISTRATIVE LAW JUDGE FLEMING: No,  
17 no problem. Okay. Both sides done, then?

18 MR. WILLIAMS: [Crosstalk].

19 ADMINISTRATIVE LAW JUDGE FLEMING: You  
20 had an opening that you deferred and we never got  
21 to. So you can do your opening and then your  
22 closing --

23 MR. WILLIAMS: And then closing, right?  
24 Yeah. So give me a second, I got everything out of

1 order while we were doing all that stuff.

2 ADMINISTRATIVE LAW JUDGE FLEMING:

3 Well, actually City could -- you want your opening  
4 to stand -- you had an opening and for whatever  
5 reason we didn't bring it up. So now both sides  
6 have rested, you know.

7 MR. WILLIAMS: Let the City go first.

8 ADMINISTRATIVE LAW JUDGE FLEMING: Do  
9 your --

10 MR. DIONNE: Judge, thank you, and just  
11 for the record ACC Chris Dionne for the City.  
12 Judge, we ask that this Court affirm the  
13 determination made for the parade permit  
14 application that was submitted on February 29,  
15 2024, for both bases that were enumerated in the  
16 denial letter.

17 First, under Subsection 10-8-330(g)(1)  
18 of the code in which the commissioner found that  
19 the parade would substantially and unnecessarily  
20 interfere with traffic in the area contiguous to  
21 the activity. And there were not available at the  
22 time of the proposed parade sufficient city  
23 resources to mitigate the disruption.

24 We heard from Mr. Gallardo today who



1 directly testified the Department of Transportation  
2 that the route would necessarily impact traffic in  
3 the area. That was further confirmed by the Deputy  
4 Chief indicating that all streets on the proposed  
5 route would have to be closed. In addition to not  
6 just the proposed streets of the parade route, but  
7 ingress and egress streets surrounding that.

8 Which directly goes into the second  
9 subsection denial underneath (g)(2), in that there  
10 are not sufficient number of on-duty police  
11 officers, or other city employees authorized to  
12 regulate traffic.

13 Looking at the application that was  
14 submitted for the date and time, we know that this  
15 is during when the Democratic National Convention  
16 will be occurring in Chicago. That the area this  
17 parade route proposes directly abuts to not just  
18 the United Center, which is one of the primary  
19 locations of the Democratic National Convention,  
20 but also runs through the medical district in which  
21 three hospitals are also located.

22 Asking the Chicago Police Department to  
23 allocate resources that they simply do not have  
24 available, and that's both in the form of actual

1 officer, boots on the street, as well as all the  
2 equipment and all the necessary pieces, including  
3 barricades, various metal gates, transportation  
4 cars, and all the like that would be required to  
5 accommodate this request.

6 Based upon the analysis by the Deputy  
7 Chief, the Chicago Police Department simply does  
8 not have the resources available to accommodate  
9 this request.

10 Additionally, Judge, the City did  
11 provide an alternative route that was proposed,  
12 which is by a major park, Grant Park, in the City,  
13 by a major north and south route on Lake Shore  
14 Drive in which many different cars pass by. And  
15 very close to the financial and hotel district off  
16 of Michigan Avenue.

17 Additionally, Mr. Gallardo also  
18 testified that hundreds if not thousands of people  
19 regularly go through that park and it can be  
20 anticipated there will be just as much if not more  
21 people while the over a million people descend upon  
22 the City during this time and event.

23 All this testimony was unrebutted,  
24 unimpeached, and effectively it illustrates the

1 exact reason as to why both of these provisions  
2 should be denied. And for those reason, Judge, we  
3 respectfully ask that you affirm the determination.

4 ADMINISTRATIVE LAW JUDGE FLEMING:

5 Okay. Counsel?

6 MR. WILLIAMS: Thank you, Judge. We  
7 respectfully ask that you overturn the denial. The  
8 City of Chicago, like all municipalities,  
9 [inaudible] districts, is bound by the First  
10 Amendment of the Constitution. We were [inaudible]  
11 inherently understand that and recognize that in  
12 that the ordinance in Section (f) a full  
13 [inaudible] investigation.

14 It requires in Section (k) if the route  
15 sought is not practicable, that a -- to the extent  
16 practicable a similar -- the City authorize an  
17 event that will have comparable public visibility,  
18 similar route, location, and date.

19 We're talking about here about the  
20 Democratic National Convention. This is an  
21 inherently political event. The federal  
22 legislators, the President of the United States,  
23 who is responsible for policy related to foreign  
24 affairs and specifically wars, will be in town at

1 the United Center.

2 And so the permit sought here is very  
3 clearly for the purpose of political speech on  
4 public property and; therefore, it should be  
5 entitled to its greatest protection according to  
6 the Supreme Court.

7 The offer -- any restrictions imposed  
8 on the applicant's free political speech rights by  
9 the ordinance must be compliant. The burden is on  
10 the government here, the Department of  
11 Transportation to show that they complied with  
12 Section (f) of the ordinance by conducting a  
13 thorough investigation.

14 The City has not established that they  
15 conducted and thorough investigation. In fact, we  
16 heard testimony from the person at the Chicago  
17 Department of Transportation, the assistant  
18 commissioner, that while he has the ultimate  
19 authority, he does not have any written record or  
20 report setting forth, specifically, what the  
21 reasons are that the parade could not occur.

22 It seems clear from the denial letter  
23 that this was a -- this was actually referencing a  
24 different parade application because it talked

1 about people arriving when the parade sought to be  
2 held on the last day of the convention, when people  
3 would not, most likely, be arriving. There's no  
4 mention of people leaving.

5 The City made an offer of an alternate,  
6 but that alternate is three miles away, nowhere  
7 near the target of the political message. No  
8 federal legislators will be anywhere near Lake  
9 Shore Drive at that time of day. They're going to  
10 be at the United Center.

11 It's three miles away, it's on a  
12 tree-lined street, so both Lake Shore Drive and  
13 Michigan Avenue are -- do not have view. The  
14 trees, there's been testimony, are taller than a  
15 human holding a sign. So those trees will block  
16 any view.

17 It's not clear but there seemed to be  
18 testimony that Columbus Drive would be shut down  
19 for purpose of the march. Therefore, there  
20 wouldn't even be traffic on Columbus Drive. So  
21 certainly not anywhere near the public presence.  
22 Not anywhere near the present party to the  
23 political speech -- to whom the political speech is  
24 targeted. Certainly no comparable public

1 visibility, similar route, location, and date.

2 Witnesses here have admitted that they  
3 cannot -- they made no effort to find other  
4 alternatives that would be within sound or sight of  
5 the United Center or anything even in the area; two  
6 blocks, three blocks, four blocks.

7 Their testimony was we found an  
8 alternative that fit. It's Columbus Drive, three  
9 miles away, it's behind trees, and nobody from the  
10 United Center can see it. So they didn't comply  
11 with the Section (k) of the ordinance.

12 And while we heard generalized  
13 testimony about resources, we didn't hear specific  
14 testimony. We heard from someone from the CPD, who  
15 testified she reported to the commander, but  
16 doesn't know what the commander reported to the  
17 Chicago Department of Transportation.

18 We heard that nobody offered or even  
19 asked if the applicant would like to modify or  
20 accept modifications to their application. It was  
21 a take-it-or-leave-it offer of a place buried in  
22 Grant Park, three miles away from the activity at  
23 the Democratic National Convention.

24 And no other effort to find the least

1 restrictive and most narrowly tailored restriction  
2 on First Amendment rights, as well as to meet the  
3 requirement of Section (k). So we think the City  
4 has not met its burden to show that this  
5 application -- that there was a legal basis to deny  
6 this application.

7               When the government is denying First  
8 Amendment, it is subject to the highest level of  
9 scrutiny and the government is required to find the  
10 least restrictive alternative.

11               ADMINISTRATIVE LAW JUDGE FLEMING:

12       Okay. Final word?

13               MR. DIONNE: Yes, Judge. The municipal  
14 code itself doesn't require that the alternative  
15 has to be provided exactly at the same location.  
16 Just that it has to be able to be practicable.

17               And in this case, Judge, we have a  
18 national special security event around one of the  
19 main event locations being the United Center. That  
20 all testimony that's been elicited today specifies  
21 that there's going to be a security zone around  
22 that is yet at this point undefined and will be  
23 defined by the Secret Service, the federal  
24 government is going to do that.

1                   So what Counsel's is basically alluding  
2     that we should have proved a alternative route that  
3     was right by the United Center is just not  
4     practicable given that we don't have a determined  
5     security bubble zone at this point.

6                   And because we don't know that, we  
7     can't provide a route that's at or near that  
8     location. The alternative route provides what is  
9     required within the municipal code, Judge. And for  
10    that we ask that you affirm the determination.

11                  ADMINISTRATIVE LAW JUDGE FLEMING:  
12    Okay. All right.

13                  MR. WILLIAMS: Judge, I do have to  
14    correct him. I didn't say right next to the United  
15    Center.

16                  ADMINISTRATIVE LAW JUDGE FLEMING: I  
17    understand.

18                  MR. WILLIAMS: There's a lot of  
19    distance between three miles. Short of three  
20    miles.

21                  ADMINISTRATIVE LAW JUDGE FLEMING: You  
22    know 2.9, 2.7 -- I mean, we can go -- I understand  
23    the argument.

24                  MR. WILLIAMS: Three blocks, four



1 blocks, five blocks.

2 ADMINISTRATIVE LAW JUDGE FLEMING: I am  
3 hearing the argument in terms of that. All right.  
4 Unless you guys want to be nice and waive it, and I  
5 don't know that you can, I'll have a decision by  
6 the end of business in two days, okay?

7 MR. WILLIAMS: Okay. Wednesday  
8 expected --

9 ADMINISTRATIVE LAW JUDGE FLEMING: It  
10 gives me 48 hours.

11 MR. WILLIAMS: 48 hours, okay.

12 ADMINISTRATIVE LAW JUDGE FLEMING:  
13 That's why I say. I don't want to say you guys can  
14 extend it because I don't know if you can and  
15 again, I don't want to find ourselves in that  
16 situation.

17 So I'll have it to you -- it's not  
18 going -- when we have this time frame, I can't ask  
19 for you to have case law or anything like that.  
20 It's just not possible to do briefs or something  
21 like that.

22 If you wanted to do that or something,  
23 we would have to work out an arrangement where we  
24 would actually continue this case to another date.

1 [Inaudible]. So that said, this one's done and we  
2 take just a couple minutes and get ready to roll on  
3 the next one.

4

5 (END OF PROCEEDING)

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1           I, Susan Bonomo, do hereby certify or affirm  
2   that I have impartially transcribed the foregoing  
3   from an audiotape record of the above-captioned  
4   proceedings to the best of my ability.

5  
6           *Susan Bonomo*

7           Susan Bonomo  
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